

**UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**

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RADNET MANAGEMENT, INC. D/B/A	:	
SAN FERNANDO VALLEY INTERVENTIONAL	:	31-RM-209388
RADIOLOGY AND IMAGING CENTER	:	

*and*

NATIONAL UNION OF HEALTHCARE WORKERS	:
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**ATTACHMENTS TO EMPLOYER’S REQUEST FOR REVIEW OF THE  
REGIONAL DIRECTOR FOR REGION 31’s JANUARY 12, 2018 PARTIAL  
DECISION ON OBJECTIONS AND MARCH 14, 2018 DECISION AND  
CERTIFICATION OF REPRESENTATIVE**

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March 28, 2018

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OFFICIAL REPORT OF PROCEEDINGS  
BEFORE THE  
NATIONAL LABOR RELATIONS BOARD  
REGION 31

In the Matter of:

Radnet Management, Inc., Case No. 31-RC-208646

Employer,

and

National Union of Healthcare  
Workers,

Petitioner.

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Place: Los Angeles, California

Dates: November 7, 2017

Pages: 1 through 56

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UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 31

In the Matter of:

RADNET MANAGEMENT, INC.,

EMPLOYER,

and

NATIONAL UNION OF HEALTHCARE  
WORKERS,

PETITIONER.

Case No. 31-RC-208646

The above-entitled matter came on for hearing, pursuant to notice, before **YEERIK MOY**, Hearing Officer, at the National Labor Relations Board, Region 31, 11500 West Olympic Boulevard, Suite 600, Los Angeles, California 90064, on **Tuesday, November 7, 2017, 3:08 p.m.**



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A P P E A R A N C E S

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E X H I B I T SEXHIBITIDENTIFIEDIN EVIDENCE**Board:**

B-1 (a) through (m)

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B-2

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B-3

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**Employer:**

E-1

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1                                    P R O C E E D I N G S

2                    HEARING OFFICER MOY:    This hearing will be in order.    This  
3                    is a formal hearing in the matter of Radnet Management Inc.,  
4                    case number 31-RC-208646 for the National Labor Relations  
5                    Board.    The Hearing Officer appearing for the National Labor  
6                    Relations Board is Yeerik Moy.

7                    All parties have been informed of the procedures at formal  
8                    hearings before the Board by the service of description of  
9                    procedures in certification and decertification cases with the  
10                   notice of hearing. I have additional copies of this document  
11                   for distribution, if any party wants more.

12                   Will the Counsels please state their name and their  
13                   appearance for the record?    On behalf of the Petitioner?

14                   MS. HOFFMAN:   Florice Hoffman for the Petitioner.

15                   HEARING OFFICER MOY:    And for the Employer?

16                   MR. CARMODY:    Good afternoon, Mr. Hearing Officer.    Bryan  
17                   Carmody of Carmody and Carmody for the Employer, Radnet  
18                   Management Inc.

19                   HEARING OFFICER MOY:    Correct.

20                   MS. KASETA:    And Kaitlin Kaseta, Carmody and Carmody, for  
21                   the Employer, Radnet Management Inc.

22                   HEARING OFFICER MOY:    Thank you.

23                   Now, are there any other appearances for this hearing?  
24                   Let the record show that no further response.

25                   Are there any other persons, parties or labor

1 organizations in the hearing room who might claim interest in  
2 this proceeding? Let the record show there's no further  
3 responses.

4 Now we go introduction on the formal papers. I now  
5 propose to receive the formal papers. They've been marked for  
6 identification as Board Exhibits 1(a) through 1(m), being an  
7 index and description of entire exhibits. The exhibit has  
8 already been shown to all parties.

9 Are there -- at this time, are there any objections to the  
10 receipt of General Counsel Exhibit 1 into the record?

11 MS. HOFFMAN: No.

12 HEARING OFFICER MOY: Petitioner?

13 MR. CARMODY: I have no objection, Mr. Hearing Officer,  
14 but as I noted off the record, I had the suggestion that the  
15 index to the formal papers be revised to reflect the amended  
16 petition as the amended petition.

17 HEARING OFFICER MOY: I understand. And that, I believe,  
18 is Exhibit -- let's see -- 1(i), which is the amended RC  
19 petition. I will show the parties 1(i), to make sure that all  
20 parties agree on this. There's 1(i). I think the proposal is  
21 to move this --

22 MR. CARMODY: Sorry, I didn't hear you -- so I can hear  
23 you.

24 HEARING OFFICER MOY: Okay. I believe the proposal is to  
25 move this, to revise this to read, "Amended RC Petition, filed

1 November 3rd, 2017."

2 MR. CARMODY: That's correct.

3 HEARING OFFICER MOY: Are there any objections from the  
4 Petitioner?

5 MS. HOFFMAN: No.

6 HEARING OFFICER MOY: That change has been made to  
7 Exhibit 1(h) which now reads "Amended" -- sorry, 1(i), "RC  
8 Petition filed November 3rd, 2017."

9 Any other objections to exhibits -- General Exhibit 1?

10 MR. CARMODY: No.

11 HEARING OFFICER MOY: Parties?

12 MS. HOFFMAN: No.

13 HEARING OFFICER MOY: Hearing no objection, the formal  
14 papers are received into evidence.

15 **(Board Exhibit Number 1(a) through (m) Received into Evidence)**

16 HEARING OFFICER MOY: Now are there any motions to  
17 intervene in this proceeding to be submitted to the Hearing  
18 Officer for ruling by the Regional Director at this time?

19 Are the parties aware of any other employers or labor  
20 organizations that have no interests -- that have interests in  
21 this proceeding?

22 Hearing Officer hears no further response.

23 Now we'll move to pre-hearing motions. Now, are there any  
24 pre-hearing motions made by any parties that need to be  
25 addressed at this time?

1 MR. CARMODY: Yes. Well, I -- there's a few things to  
2 talk about here, Mr. Hearing Officer, beginning with the  
3 showing of interest. We put a request to the Regional Director  
4 off the record that I'd like to have the record now reflect, to  
5 check the showing of interest in light of the fact that the  
6 statement of position that my client filed yesterday, indicates  
7 a number of employees in the petition for a unit, which is  
8 higher as compared to what was reflected in the petition that  
9 was filed by the Union and the amended petition.

10 It's my understanding, Mr. Hearing Officer, and you can  
11 correct me if I'm wrong, that the review that was requested by  
12 my client was conducted by the Regional Director, and she had  
13 satisfied at least herself that the showing of interest remains  
14 quantitatively sufficient, when considered next that the number  
15 of employees in the statement of position.

16 HEARING OFFICER MOY: That is correct. The Employer did  
17 submit this motion or this request to the Region, the Regional  
18 Director. Just to repeat, just to make sure we're clear on the  
19 record on this. The Regional Director did take consideration  
20 to your request. She did re-look, re-analyze the showings of  
21 interest that was already submitted by the Union and to ensure  
22 that there was adequate showing of interest to support the  
23 petition with the number of employees that you had alleged on  
24 the record.

25 So at this time, the Regional Director does not see an

1 issue with the showing of interest insufficient to support the  
2 petition. And this is not a -- and just to be clear, this is  
3 not an issue that can be litigated at this time because it is  
4 an administrative matter.

5 MR. CARMODY: Thank you. I have another issue.

6 HEARING OFFICER MOY: Sure.

7 MR. CARMODY: Which, showing an interest, which was also  
8 discussed to a degree off the record, and I'd like to put it on  
9 the record at this point.

10 Mr. Hearing Officer, it is my client's view that with  
11 regard to the petition that has been filed here, where the  
12 Union is seeking a unit in, I think, 16 different facilities,  
13 it is required that the Union present a showing of interest  
14 that covers each of the centers individually. In the absence  
15 of showing of interest in the nature as I've just described it,  
16 the Board cannot and should not proceed any further in this  
17 matter.

18 HEARING OFFICER MOY: Thank you for that. The -- as you  
19 had discussed, you did present this to the Board earlier today.  
20 We did discuss this with the Regional Director. It is the  
21 Regional Director's position that the hearing will continue,  
22 the petition will continue, because the petition for a unit is  
23 for all combined, one single unit of the entire 16 different  
24 locations. And because of that, at this time, the showing of  
25 interest is only analyzed for the entire unit that's actually

1 being petitioned for.

2 As we had discussed with Employer's Counsel, if the  
3 decision is offered that the 16 different locations, the Region  
4 will re-look at the showings of interest for each individual  
5 location at that time. But at this time, it's premature to  
6 make that kind of ruling or do that kind of analysis right now.

7 MR. CARMODY: And I recognize that position that the  
8 Regional Director has taken. I would, however, like to note  
9 for the record, we disagree with that analysis. We think far  
10 from the issue being premature, it could not be more right then  
11 at this very moment, and applying analysis in the way that you  
12 have described it violates Section 90 of the Act.

13 It does not assure to employees their fullest freedom in  
14 exercising their rights under Section 7 of the Act. So I want  
15 that to be clear in the record. But we understand that the  
16 Regional Director has made a decision to proceed in these  
17 circumstances in the face of those objections.

18 HEARING OFFICER MOY: Thank you. We'll take judicial  
19 notice of that on the record.

20 Does the -- are there any other pre-hearing motions that  
21 either party would like to make? There are a couple of things  
22 that we would have that we'll address, but I don't know if the  
23 other parties --

24 MS. HOFFMAN: We do. We have a petition to revoke the  
25 subpoenas duces tecum served on Sophia Mendoza and the

1     custodian of records.

2             MR. CARMODY:   And Mr. Hearing Officer, I'm not sure how  
3     you'd like to proceed, but there is another motion, a formal  
4     motion that I wanted to address, but I'm happy to talk about  
5     the petition.   Well, I haven't been served with anything yet,  
6     but it's up to you in terms of what we do next.

7             HEARING OFFICER MOY:   Let's go through the motion for --  
8     the motion on the floor right now.   I also have -- we might  
9     have the same motion that we need to discuss.   I have that on  
10    my record as well.   So we can discuss that after we go through  
11    this first step.

12            MR. CARMODY:   Understood.   Thank you.

13            HEARING OFFICER MOY:   So Ms. Hoffman, regarding the  
14    petition to revoke, do you have that petition?

15            MS. HOFFMAN:   Yes, I do.

16            HEARING OFFICER MOY:   And have you served a copy of this  
17    yet to the Employer Counsel, or are you --

18            MS. HOFFMAN:   I'm doing that --

19            HEARING OFFICER MOY:   -- doing so?

20            MS. HOFFMAN:   -- right now.

21            HEARING OFFICER MOY:   Okay.

22            MR. CARMODY:   Thank you.

23            MS. HOFFMAN:   Here's your copy.

24            HEARING OFFICER MOY:   Thank you.   And just so we have this  
25    information on the record, the -- let's see.

1 MS. HOFFMAN: I have a stapler if you want to staple them.

2 HEARING OFFICER MOY: Oh, no. I'm just making sure I'm  
3 reading this correctly. So the subpoena duces tecum, the first  
4 one is to Sophia Mendoza, as requested by Radnet Management  
5 Inc. to -- let's see. And it was dated on November 1st, 2017.

6 The second subpoena that was issued by Radnet Management  
7 Inc. was to the National Union of Healthcare Workers, the  
8 custodian of records. This was also for November 1st, 2017.

9 And the petition of motion to revoke subpoena duces tecum  
10 has been served today.

11 MS. HOFFMAN: They were actually served on November 3rd,  
12 so -- I think it's in my papers, but --

13 HEARING OFFICER MOY: Oh, the original subpoenas were  
14 served on November 3rd?

15 MS. HOFFMAN: Uh-huh.

16 HEARING OFFICER MOY: Okay. And then the Petitioner's  
17 petition to revoke was served today on the 7th.

18 Can we go off the record for one second?

19 (Off the record at 3:20 p.m.)

20 HEARING OFFICER MOY: So I have reviewed both of the  
21 subpoenas. One clarification for the record, after speaking  
22 with the Employer Counsel, there is one item that will be  
23 withdrawn from the subpoena. That would be the subpoena to the  
24 custodian of records to the Union NUHW. That is item number  
25 eight, and it reads: "Any and all documents that evidence a

1 joint employer relationship between Radnet Inc and Radnet  
2 Management." That request was withdrawn, because that was  
3 related to a joint employer issue that is no longer an issue in  
4 this proceeding. All other requests within the two subpoenas  
5 are still requested by the Employer at this time.

6 At this time my ruling is that I will defer the ruling of  
7 the petition to revoke until after the first -- or into the  
8 latter part of this proceeding, given that there may be some  
9 evidence that comes out during the actual proceeding that will  
10 make the subpoena or the information sought in it moot. So we  
11 will defer at this time the actual ruling on the petition to  
12 revoke.

13 MR. CARMODY: Mr. Hearing Officer, just briefly. I don't  
14 have a problem, Employer doesn't have an objection with the  
15 approach that you have articulated --

16 HEARING OFFICER MOY: Uh-huh.

17 MR. CARMODY: -- all other things being equal. However,  
18 depending upon when that ruling does come down, that precise  
19 moment in time, it could prejudice our ability to cross-examine  
20 witnesses or to question witnesses. There's no petition to  
21 revoke that has been filed in connection with the subpoena ad  
22 testificandum that was served on Ms. Mendoza. And so I'm just  
23 flagging that for your consideration.

24 HEARING OFFICER MOY: Okay. And my understanding is that  
25 Ms. Mendoza is here in compliance with the subpoena, so she

1 will be available. It's entirely possible that she is also a  
2 witness that the Petitioner will also be calling, for the  
3 record, but your note -- your objection is noted. Or your -- I  
4 want to call it objection, your comments or your position is  
5 noted on that.

6 MR. CARMODY: Thank you.

7 MS. HOFFMAN: I would like to state for the record that  
8 the Union disagrees with your decision to defer on this  
9 particular subpoena, because the subpoena itself seeks matters  
10 that are privileged under Board law that are protected from  
11 disclosure, and it seeks evidence of the showing of interest,  
12 which is administrative that has already been reviewed  
13 administratively by the Region.

14 HEARING OFFICER MOY: Your objection is noted. To give a  
15 further explanation of this, while on its face that some of the  
16 request can be construed as that, if the subpoena were to be  
17 actually considered, I would allow the parties to give an offer  
18 of proof of why this information is necessary in order for them  
19 to prove whatever arguments they'd like to make, once we have  
20 an idea of what the actual issues that are going to be  
21 litigated in this case.

22 Similarly, I'll also give an opportunity for the  
23 Petitioner to give an offer of proof of why this information  
24 should not be allowed or the order should be revoked. So at  
25 this time, though, it's premature, because we still have to

1 determine what issues are going to be litigated in this case.

2 If the parties would like to renew their positions or  
3 their objections at a later time to reconsider, you can do so  
4 at the time.

5 MR. CARMODY: Would -- you left something out, which is,  
6 I'm assuming at some point in time, I'm going to have an  
7 opportunity to depose --

8 HEARING OFFICER MOY: Oh, yes, of course.

9 MR. CARMODY: -- the Petitioner about this.

10 HEARING OFFICER MOY: Yes. I'm sorry.

11 Any other questions on this subject?

12 MR. CARMODY: No, sir.

13 MS. HOFFMAN: No.

14 HEARING OFFICER MOY: Okay. Now, we have a couple of  
15 other motions that we currently already have that have been  
16 submitted to the Region prior to the start of this hearing.  
17 One is the Radnet Inc. motion to dismiss.

18 This motion was submitted by Radnet Inc., which was part  
19 of their original petition as one of the joint employers. At  
20 this time this entity is no longer a party to the proceedings,  
21 so this issue is now moot and that motion will be denied or it  
22 will not be considered.

23 Regarding the -- there is an Employer motion to  
24 consolidate as well. And I believe this is the motion to  
25 consolidate this hearing with the R.M. petition that it filed

1 in the last couple of days, which I believe are being docketed  
2 today.

3 The Region has considered, the RD has considered this  
4 motion, but has decided to -- the Regional Director has denied  
5 the motion. The reason the Regional Director has denied this  
6 motion is because the issue -- even though it's being docketed  
7 today, the issues discussed in the R.M. petitions will be  
8 litigated today in today's hearing, in regards to the 16  
9 different locations and whether or not an appropriate unit  
10 should be for an entire unit, other various locations or the  
11 individual units within each specific location.

12 Are there any other pre-hearing motions, then, that we  
13 need to address at this time?

14 MR. CARMODY: One moment please, sir.

15 HEARING OFFICER MOY: Sure.

16 (Counsel confer)

17 MR. CARMODY: No, sir. Thank you.

18 HEARING OFFICER MOY: Great. So we are now going to move  
19 to Board Exhibit 2.

20 I have shared with both parties, Board Exhibit 2. It  
21 stipulates several facts without objection from both parties,  
22 but I'll confirm that on the record. That the parties to this  
23 proceeding have executed a document which is marked as Board  
24 Exhibit 2. That exhibit contains a series of stipulations  
25 including, among other items, that the Petitioner is a labor

1 organization within the meaning of the Act. There is no  
2 contract bar. And Employer meets the jurisdictional standards  
3 of the Board.

4 Are there any objections to the receipt of Board  
5 Exhibit 2, that I've shared with both parties?

6 MS. HOFFMAN: No. I have the signed copy.

7 HEARING OFFICER MOY: Thank you.

8 MR. CARMODY: No objection from the Employer.

9 HEARING OFFICER MOY: Okay. Hearing no objection, Board  
10 Exhibit 2 is received into evidence.

11 **(Board Exhibit Number 2 Received into Evidence)**

12 HEARING OFFICER MOY: Now we're going to address -- and  
13 we'll go into detail a little bit about the unit description  
14 and the parties' positions on what is an appropriate unit, but  
15 I do want to get everyone's position on the record first.

16 Now, the actual -- now, the amended petition that was  
17 filed on November 3rd of 2017, its proposed unit description is  
18 as follows, and I'll read this into the record:

19 "Included is all full-time and regular part-time per diem  
20 RNs and technical employees employed by the Employer at its  
21 facilities in the San Fernando Valley Region listed in 2B."

22 And then in 2B, it has attached 16 different locations  
23 across San Fernando Valley.

24 Now, just in short answer, Ms. Hoffman, is this correct  
25 that this is the unit that the Union is proposing?

1 MS. HOFFMAN: That's correct. It's called, "valley  
2 locations," yes.

3 HEARING OFFICER MOY: I'm sorry?

4 MS. HOFFMAN: It's -- the Employer defines it as "valley  
5 locations." It's the San Fernando Valley plus Pasadena.

6 HEARING OFFICER MOY: Okay.

7 And, Mr. Carmody, what is the Employer's position in  
8 regards to this unit description?

9 MR. CARMODY: How she described it.

10 HEARING OFFICER MOY: Just the unit description, is this  
11 -- would you stipulate to this or no?

12 MR. CARMODY: I'm not clear what you're asking me to  
13 stipulate.

14 HEARING OFFICER MOY: Would you stipulate that this is an  
15 appropriate unit as proposed by the unit?

16 MR. CARMODY: No.

17 HEARING OFFICER MOY: Okay. And I know you articulated  
18 this a little bit earlier, you touched on it, and you can touch  
19 on it a little bit more. And when we describe the statements  
20 of positions, but can you just give us, once again for the  
21 record, a general overview of the Employer's position regarding  
22 this proposed unit?

23 MR. CARMODY: It's what stated in the statement of  
24 position. I mean, simply put, our view is that the Petition  
25 for a Unit is not appropriate.

1 HEARING OFFICER MOY: Uh-huh.

2 MR. CARMODY: That the appropriate units would be the  
3 technical folks that are employed at each of the different  
4 centers, 16 in total. It's our position that the MRI techs and  
5 the nuclear med techs are guards within the meaning of Section  
6 9(b) (3) of the Act.

7 HEARING OFFICER MOY: Uh-huh.

8 MR. CARMODY: And therefore this Union, I don't think  
9 there'd be any dispute about this. They admit to membership  
10 non-guards, and so as a matter of law, they wouldn't be  
11 entitled to represent the folks in the unit they're seeking to  
12 represent.

13 It's our position that the nurses who work at one of these  
14 centers do not share a community of interest with the technical  
15 employees. That's about as concise a summary, I think --

16 HEARING OFFICER MOY: Sure.

17 MR. CARMODY: -- I could muster of our position on unit  
18 scope.

19 HEARING OFFICER MOY: Okay. Now --

20 MS. KASETA: Seventeen.

21 MR. CARMODY: Seventeen centers. Excuse me.

22 HEARING OFFICER MOY: And just for clarification as well.  
23 I know you mention the RN, the registered nurses. Would the  
24 Employer be willing to stipulate at this time that the RNs are  
25 professionals and the tech individuals that have been named are

1 non-professionals?

2 MS. KASETA: Can we change the language of that  
3 stipulation to some extent?

4 HEARING OFFICER MOY: We can. I mean --

5 MS. KASETA: There's --

6 HEARING OFFICER MOY: -- you can propose something and we  
7 can --

8 MS. KASETA: Yeah. I can make a proposal on the  
9 stipulation. Our proposal for that would be within the  
10 petition for a unit, the registered nurses must vote subject to  
11 a Sonotone ballot in order --

12 HEARING OFFICER MOY: One second. Why don't we take this  
13 off the record for the --

14 MS. KASETA: Sure.

15 HEARING OFFICER MOY: -- entire stipulation? Off the  
16 record, please.

17 (Off the record at 3:37 p.m.)

18 HEARING OFFICER MOY: The Hearing Officer has spoken to  
19 both parties in this proceeding and they have reached a  
20 stipulation in regard to the status of RNs, or registered  
21 nurses. The stipulation will be read, I will read that into  
22 the record.

23 "The parties stipulate that within the petition for a  
24 unit, the registered nurses are professional employees who must  
25 vote subject to Sonotone ballots in order to determine if they

1 wish to be included in the technical employees units."

2 MS. KASETA: And for the purpose of the record, I want to  
3 state on behalf of the Employer that we enter into that  
4 stipulation without prejudice to our position that the  
5 registered nurses do not share a community of interest with the  
6 technical employees.

7 HEARING OFFICER MOY: It will be noted.

8 Any objections?

9 MS. HOFFMAN: No objection.

10 HEARING OFFICER MOY: Okay. We have several reminders  
11 that we have to get through. Let me read this to you guys, to  
12 all parties.

13 "The parties are reminded that prior to the close of the  
14 hearing, the Hearing Officer will solicit the parties' position  
15 on the type, dates, times and locations of the election and the  
16 eligibility period, including the most recent payroll ending  
17 dates and any applicable eligibility formulas, but will not  
18 permit litigation of these issues. The Hearing Officer will  
19 also inquire as to the need for foreign language ballots and  
20 notices of election. Please have the relevant information with  
21 respect to these available at that time.

22 The parties have been advised that the hearing will  
23 continue from day to day as necessary until completed, unless  
24 the Regional Director concludes that the extraordinary  
25 circumstances warrant otherwise.

1           The parties are also advised that upon request, they shall  
2   be entitled to a reasonable period at the close of the hearing  
3   for oral argument. Post-hearing briefs shall be filed only  
4   upon special permission of the Regional Director. In addition,  
5   a party may offer into evidence a brief, memo of points and  
6   authorities, case citations, or other legal arguments, during  
7   the course of the hearing and before the hearing closes."

8           So at this time, we're going to move on to the statement  
9   of position. I have in front of me Exhibit -- I want it marked  
10  as Board Exhibit 3. I have checked with both parties to review  
11  these documents. This is the Board Exhibit 3, which is a  
12  statement of position that was submitted by the Employer on  
13  November 6th. It also includes two attachments, one including  
14  the petition for a unit, including the names of employees and  
15  their shifts and locations as well as a second attachment that  
16  includes the excluded employees.

17          Are there any objections to Board Exhibit 3 being entered  
18  into the record?

19          MR. CARMODY: No objection.

20          MS. HOFFMAN: I don't have any objection to them being  
21  entered into the record, but I was not understanding the  
22  excluded employees and the position on the excluded employees.

23          HEARING OFFICER MOY: Well, we'll be fleshing that out  
24  right -- actually, right now, regarding the statement of  
25  position. Because we're going to go issue by issue at this

1 time. This is just for the record keeping for -- you know,  
2 that being submitted.

3 **(Board Exhibit Number 3 Received into Evidence)**

4 HEARING OFFICER MOY: So at this time, we're going to go  
5 through the statement of position and identify the issues that  
6 the Employer has raised regarding the proposed units. Now, the  
7 first issue that I've identified is a community of interest-  
8 related issue regarding the registered nurses and the other  
9 employees included in the proposed unit, which I understand to  
10 be the technical employees.

11 My understanding of the Employer's position is that they  
12 do not believe that the RNs have a community of interest that's  
13 shared with the technical employees, and the proposed unit has  
14 combined this -- these two categories.

15 Is that a good description, or is there anything else  
16 you'd like to add to that position, Employer Counsel?

17 MR. CARMODY: I think that you have accurately described  
18 the issue.

19 HEARING OFFICER MOY: Thank you. And what is -- and just  
20 for clarification, my understanding, there are four RNs that  
21 are in dispute of this RN category, and that they derive from a  
22 single location, of the 16 that are being discussed. Is that  
23 accurate?

24 MS. KASETA: It's a total of 17 locations.

25 HEARING OFFICER MOY: Okay.

1 MS. KASETA: And I'm just quickly checking the list, but I  
2 do believe that it's, I think four. It was either four or  
3 five. I see five on the list.

4 HEARING OFFICER MOY: Okay. Five. Okay.

5 MS. KASETA: And they are all located at one facility.

6 HEARING OFFICER MOY: Okay. And what is the Petitioner's  
7 position in regards to and in response to this position  
8 regarding a lack of community of interest?

9 MS. HOFFMAN: It's the Petitioner's position that there is  
10 a community of interest with the other employees in the  
11 petition for a unit.

12 HEARING OFFICER MOY: Okay. And what we're going to do  
13 right now is just go through issue by issue just to make sure  
14 that the parties are clear that, and the record is clear that,  
15 what issues are open right now.

16 Now, the next issue, potential issue, is regarding the  
17 multi-facility unit and whether or not that's appropriate.  
18 Because the Employer's position is that each individual  
19 facility does not share a community of interest with the  
20 employees of any of the other individual facilities included in  
21 the Union's petition. And for these reasons, because of the  
22 community of interest issue among this group of 17 facilities,  
23 a single unit is not appropriate.

24 Is that a somewhat accurate description of the Employer's  
25 position?

1           MR. CARMODY: Yes. That's an accurate summary. Not --  
2           the only thing that I would add is that under black letter of  
3           Board law, when a union is seeking a multi-location unit, there  
4           is no presumption that the unit is appropriate. The burden is  
5           on the union to prove the appropriateness of that unit. And,  
6           by the same token, in circumstances like these where we have  
7           taken the position that each center is an appropriate unit,  
8           there's a single site presumption of appropriateness.

9           HEARING OFFICER MOY: Uh-huh.

10          MR. CARMODY: Which is also the issue, I think, that's  
11          joined by the RN petitions that you have represented are in the  
12          process of being docketed.

13          HEARING OFFICER MOY: That's correct. Yes. And we'll  
14          cover -- of course, we'll go through. Once we've identified  
15          the actual issue that will be litigated, we'll go through the  
16          burdens, on what's presumptive and what's not at that time.  
17          Correct.

18          Just for the record, too, the locations in question,  
19          they've already been identified in the statement of position,  
20          but I did want to get on the record as much information as I  
21          can about each of these. Do we have -- I don't know if the  
22          Employer has, or either party, has a breakdown of the number of  
23          petitioned for employees at each location?

24          MS. KASETA: The RN petitions include that.

25          HEARING OFFICER MOY: Oh, the RN petition has that. Okay.

1 We'll pull those and put that on the record when we have the  
2 next recess.

3 Now, does the -- what is the Union's position and the  
4 Petitioner's position on this response?

5 MS. HOFFMAN: It's the Union's position that the petition  
6 for a unit is appropriate. That the Valley locations are run  
7 as a one-operation, with employees used interchangeably, with  
8 patients also using locations interchangeably. That the  
9 facilities are commonly supervised in the Valley. That there  
10 is employee transfers, including a floater that works at the  
11 various facilities. And that they have common labor relations  
12 and other benefits. And that they're viewed by the employees  
13 and the employer as a single Valley region.

14 HEARING OFFICER MOY: Okay. Now the third issue raised in  
15 the statement of position by the Employer are that there are  
16 several categories of employees that it argues should not be  
17 included in the unit. They are as follows: Chief  
18 technologist, lead MRI technologist, MRI technologist, nuclear  
19 medicine technologist, PSR/MRI technologist and the registered  
20 nurses. Obviously, we've already discussed the registered  
21 nurses with a community of interest.

22 What's the basis for the Employer's argument then on -- in  
23 summary of why these categories should not be included in the  
24 unit?

25 MS. KASETA: With the exception of the registered nurses

1 the --

2 HEARING OFFICER MOY: Uh-huh.

3 MS. KASETA: -- remaining categories fall under the  
4 statutory definition of a guard as set forth by Section 9(b)(3)  
5 of the National Labor Relations Act and therefore a labor  
6 organization such as NUHW, which does represent non-guard  
7 employees, is precluded by the Act from representing the  
8 employees listed in our statement of position. And for that  
9 reason, the petition should be dismissed.

10 HEARING OFFICER MOY: Okay. Now, just for clarification,  
11 how many -- do you know how many chief technologists there are?

12 MS. KASETA: I believe there are two to three, but I can  
13 check the list for you pretty quickly here.

14 HEARING OFFICER MOY: Okay. Because the -- if you have it  
15 handy, the breakout of how many individuals are in question  
16 with these categories.

17 MS. KASETA: Yes. I don't have a breakout, but I can tell  
18 you that, for the most part, those excluded on the second list  
19 are --

20 HEARING OFFICER MOY: Uh-huh.

21 MS. KASETA: -- in the category of MRI technologist. So  
22 there -- I'm seeing two chief technologists.

23 HEARING OFFICER MOY: Okay.

24 MS. KASETA: Do you want employee names? Would that be  
25 helpful?

1 HEARING OFFICER MOY: No, it's okay. I mean, we can --  
2 just so we have an idea of numbers is helpful right now to see  
3 how --

4 MS. KASETA: Sure.

5 HEARING OFFICER MOY: -- much of an impact it has on the  
6 unit size.

7 MS. KASETA: Sure. Okay. For lead, I believe there's one  
8 lead, double checking now.

9 HEARING OFFICER MOY: Okay.

10 MS. KASETA: Yes. I'm showing one lead.

11 HEARING OFFICER MOY: Okay.

12 MS. KASETA: Nuclear medicine -- I'm going to skip MRI,  
13 because at the end I'm going to say to you, everybody else.

14 HEARING OFFICER MOY: That's 12. Everyone else. Okay.

15 MS. KASETA: I believe nuclear medicine is five, but I'd  
16 like to confirm.

17 (Counsel confer)

18 MS. KASETA: I think it's six.

19 HEARING OFFICER MOY: For the PS, the --

20 MS. KASETA: I'm sorry. For nuclear medicine  
21 technologists.

22 HEARING OFFICER MOY: Oh, nuclear medicine. Got it.

23 MS. KASETA: Actually, make that seven. My apologies.  
24 And patient PSR/MRI technologist is one.

25 HEARING OFFICER MOY: "One."

1 MS. KASETA: And I believe there were a total of 47  
2 individuals on the excluded employees list. So I believe that  
3 the remainder are MRI technologists, which makes that number  
4 36.

5 HEARING OFFICER MOY: Uh-huh.

6 MS. KASETA: And I'll confirm all these numbers on our  
7 next break just to make sure they're --

8 HEARING OFFICER MOY: Okay.

9 MS. KASETA: -- completely accurate. But that's pretty  
10 close.

11 HEARING OFFICER MOY: That's helpful. Just so I'm very  
12 clear on the record, it's the Employer's position then that  
13 there -- that the entire classification should be considered a  
14 guard under 9(b)(3) of the Act?

15 MS. KASETA: Yes.

16 HEARING OFFICER MOY: Okay.

17 MS. KASETA: The entire classification of MR --

18 HEARING OFFICER MOY: Of each of these named employee --  
19 the named --

20 MS. KASETA: Yes.

21 HEARING OFFICER MOY: -- groups.

22 MS. KASETA: That's correct.

23 HEARING OFFICER MOY: Okay. Now, what is the Petitioner's  
24 position then on this assertion?

25 MS. HOFFMAN: That they're health care technologists and

1 not guards.

2 HEARING OFFICER MOY: Okay. All right. A fourth  
3 potential issue that we'll be discussing is in regards to seven  
4 named individuals. I will read them into record. They are --  
5 the individuals in question are: Walbert Altrucka, Jr.  
6 (phonetic), Veronica Atwater (phonetic), Manuel Castillo  
7 (phonetic), Varden Macarean (phonetic), Andrew Mendoza  
8 (phonetic), Wendy Morris (phonetic), and Brandon Ragland  
9 (phonetic). They are listed in the statement of position as  
10 guards, but I also understand that they have a classification  
11 of something called "multi-moduling techs," but --

12 MS. KASETA: Mordality.

13 HEARING OFFICER MOY: I'm sorry?

14 MS. KASETA: Mordality.

15 HEARING OFFICER MOY: Mordality techs.

16 MS. KASETA: Mordality.

17 HEARING OFFICER MOY: My understanding in discussing with  
18 the Petitioner is that they have duties that relate to being a  
19 guard and therefore --

20 MS. HOFFMAN: Not with the Petitioner.

21 MR. CARMODY: You said Petitioner, you mean the --

22 HEARING OFFICER MOY: Oh, I'm sorry.

23 MR. CARMODY: -- Employer.

24 HEARING OFFICER MOY: I meant Employer. But perhaps I  
25 should let the Employer describe it more aptly than the Hearing

1 Officer. And it's -- just the general position on why they  
2 should be excluded from --

3 MS. KASETA: Sure. Multi-modality technologists are  
4 technologists who, within their assigned facility, work on more  
5 than one modality, which in this case means perform more than  
6 one kind of imaging. Those individuals who are listed in  
7 response to question four on the statement of position --

8 HEARING OFFICER MOY: Uh-huh.

9 MS. KASETA: -- are individuals who, one of the modalities  
10 that they work in is MRI technologist. So it's to some extent  
11 a dual role. And because of their guard duties, as defined by  
12 Section 9(b)(3) of the Act, as MRI technologists, the Union is  
13 precluded from representing those individuals.

14 HEARING OFFICER MOY: I see. So because in the earlier  
15 issue that we identified, it is the Employer's position that  
16 MRI technologist is a classification that should be guards  
17 under the meaning of the Act, and that these individuals then  
18 have -- is it a rotating multiple assignments, and one of them  
19 is with MRI technologist --

20 MS. KASETA: That's correct.

21 HEARING OFFICER MOY: -- role? Okay.

22 MS. KASETA: But we didn't list the multi-modality  
23 technologist position as excluded, because there are other  
24 individuals who do not have, as one of the modalities they work  
25 in, MRI technologist.

1 HEARING OFFICER MOY: Okay. And what is the Petitioner's  
2 position on these seven named individuals that are allegedly  
3 guards?

4 MS. HOFFMAN: The performing MRIs do -- there are no cases  
5 or any facts that performing MRIs makes you a guard under the  
6 Act.

7 HEARING OFFICER MOY: So to summarize, it's your position  
8 that they are not guards?

9 MS. HOFFMAN: They are not guards.

10 HEARING OFFICER MOY: And they should be part of the unit?

11 MS. HOFFMAN: That's correct.

12 HEARING OFFICER MOY: Okay. There are three other  
13 remaining issues. I'll address them together quickly. The  
14 Employer has put forth one issue being an -- or not produced --  
15 that the Union has not produced the proper or sufficient  
16 showing of interest.

17 As we had discussed earlier today, the inadequacy of the  
18 showing of interest then should deem the -- the actual petition  
19 itself should therefore be withdrawn or dismissed. I believe  
20 that's the Employer's position.

21 In addition, they object to the mail ballot election that  
22 has been proposed by the Union. And that the -- a manual  
23 election is something that is more appropriate given the facts  
24 of this case.

25 And lastly, it also objects to the NRLB's revised election

1 rules, and that its new rules are in violation of public  
2 policy, Section 7(8)(c) and 9(b) of the Act.

3 Is that a sufficient description of the remaining  
4 objections in your statement of position?

5 MR. CARMODY: Yes

6 HEARING OFFICER MOY: And for the -- let's get the  
7 position of the Petitioner on this.

8 Do you have a position regarding the objection of the  
9 showing of interest?

10 MS. HOFFMAN: It's our position that we have a sufficient  
11 showing of interest.

12 HEARING OFFICER MOY: Okay. Do you have a position  
13 regarding the fact that the Employer believes that mail ballot  
14 election is not appropriate given this case?

15 MS. HOFFMAN: Due to the facilities and not all the  
16 facilities have appropriate places for an election, and due to  
17 the fact that the hours of work and the various locations, it's  
18 still the Union's position that there should be a mail ballot.

19 HEARING OFFICER MOY: Okay. And do you have any position  
20 regarding the Employer's objections to the revised election  
21 rules?

22 MS. HOFFMAN: We're for them. We love the revised rules.

23 MR. CARMODY: That's some refreshing candor.

24 HEARING OFFICER MOY: Okay. Now, are there any other  
25 issues that we need to -- that need to be addressed in this

1     hearing? Have I identified all the open issues that are at  
2     least up for discussion at this time?

3             MR. CARMODY: One moment, please?

4             HEARING OFFICER MOY: Sure.

5     (Counsel confer)

6             MR. CARMODY: Nothing further. Thank you, sir.

7             HEARING OFFICER MOY: Okay. So at this time, I will  
8     present this information to the Regional Director, and we will  
9     discuss what issues can or cannot be litigated. When we come  
10    back, I may ask for an offer of proof, depending on what the  
11    issue is, and what is necessary for an offer of proof on some  
12    of the issues. But I will discuss with the Regional Director  
13    first on these, I believe it's seven issues that were raised in  
14    the statement of position.

15            So we're going to take a recess. It should be about 10 to  
16    15 minutes. But if you need to take a file break, feel free to  
17    do so. And we'll recess in 15 minutes and we'll go off the  
18    record.

19            MR. CARMODY: Thank you.

20     (Off the record at 4:03 p.m.)

21            HEARING OFFICER MOY: Okay. We're back on the record.  
22    I've been informed by Employer counsel that they have an update  
23    to the number of employees in the category that they are  
24    alleging as guards under the interpretation of the Act. Can  
25    you provide those numbers for us, counsel?

1 MS. KASETA: Sure. So RNs, there are a total of four.

2 HEARING OFFICER MOY: Okay.

3 MS. KASETA: Nuclear medicine technologists, there are a  
4 total of seven. Lead MRI technologists, there is one. PSR  
5 slash MRI technologists, there is one. Chief technologist,  
6 there is two. And the list as whole has 44 so that's -- let me  
7 do some quick math to give you the MRI -- 30 MRI. Someone  
8 wants to check my math. I'm a lawyer.

9 MS. HOFFMAN: We counted 32.

10 UNIDENTIFIED SPEAKER: Twenty-two.

11 MS. HOFFMAN: Or --

12 MS. KASETA: Twenty-two MRI techs?

13 UNIDENTIFIED SPEAKER: From your guys list.

14 MS. KASETA: Okay. Well, I'll have to double-check that  
15 which I won't be able to do very quickly.

16 HEARING OFFICER MOY: Okay. Okay. All right. So let's  
17 address this issue by issue. Some of these issues --

18 MS. KASETA: I'm sorry.

19 HEARING OFFICER MOY: Yeah.

20 MS. KASETA: Actually, I think I can explain probably --  
21 there's multimodality techs, a few who would be on the excluded  
22 Employer list is a total of 44.

23 HEARING OFFICER MOY: Okay.

24 MS. KASETA: There were seven employees excluded by me.  
25 That gets us down to 37. Of those 37, you've got 14 other job

1 classes which should leave you with 23 MRI techs and we're  
2 actually on the -- I understand that you think there's 22 but  
3 I'm saying the number to the extent we're off, we're off by  
4 one.

5 HEARING OFFICER MOY: Okay.

6 MS. KASETA: We can resolve that, I'm sure, later.

7 HEARING OFFICER MOY: Okay. So as we discussed earlier,  
8 we've identified seven potential issues for litigation. I'm  
9 going to go through them piece by piece. For some of them, I  
10 will be asking for an offer of proof to make a further  
11 deliberation on whether or not they can be litigated in the  
12 matter but I can articulate some of the decisions the RD, the  
13 Regional Director has already made.

14 On the first issue regarding the community of interest  
15 between the registered nurses and the technicians -- this issue  
16 will be litigated today, at this hearing. To be clear, I  
17 understand that we've already stipulated that the RNs are  
18 professional employees so we don't need testimony in that piece  
19 of it but, obviously, community of interest among the two  
20 groups, that will be the most important piece that we'll be  
21 discussing and just. I'll go through later summarizing just  
22 the burdens of proof. But on that particular piece because the  
23 proposed unit was not presumptively appropriate, because it's  
24 combined professional and nonprofessional, the burden of proof  
25 will be on the union for that particular issue.

1           The second issue regarding the multi-location, the scope  
2           of the unit -- again because it's not an Employer-wide unit, it  
3           is not presumptively an appropriate unit and the burden will be  
4           on the Union to prove this matter that it has a community of  
5           interest among each of the 17 locations. This issue will be  
6           litigated.

7           On the third issue regarding the -- let's see, how many  
8           classifications -- I think we have like six different  
9           classifications that the Employer is contending will -- that  
10          are guards. We will need an offer of proof. I'll get to the  
11          offer of proof piece of this. I'll do that all at one time  
12          just so we can kind of get all the issues out there. But  
13          before the Regional Director makes a final decision on whether  
14          that can be litigated or not, we will request an offer of proof  
15          on that.

16          In regards the fourth issue, it is the seven individuals  
17          that have roles -- I'm sorry -- duties that are guard related  
18          that Employer is seeking to exclude. That issue, the Region  
19          will also be looking for an offer of proof of what type of  
20          evidence will be presented regarding these seven individuals.

21          For these two -- I'm sorry to make this clear -- for these  
22          last two categories, issue 3 and 4, because the Employer is  
23          seeking to exclude them from the unit, the burden will be on  
24          the Employer to provide that evidence to establish that they  
25          should be excluded.

1           Moving on to the fifth issue which is the showing of  
2   interest, insufficient showing of interest. As we had noted  
3   earlier, there's already been a motion to dismiss this  
4   particular petition for insufficient showing of interest. The  
5   RD has already made its ruling on this citing the case handling  
6   manual and that this is purely administrative matter. In  
7   addition, by request of the Employer, the Region has already  
8   re-checked the showing of interest earlier today and determined  
9   that there is adequate interest to support a petition. So that  
10   issue will not be litigated today.

11           On the sixth issue, the mail ballot -- whether or not a  
12   mail ballot, the proposed mail ballot election is appropriate.  
13   This issue will not be litigated today but, however, we do want  
14   to get the parties' positions, a very detailed position  
15   actually, on whether or not it's appropriate or not, you know,  
16   specific evidence. It may not necessarily be needed but a  
17   detailed explanation of why on the different parties' positions  
18   on why a mail ballot is appropriate, whether the manual ballot  
19   is appropriate and if it's going to be manual ballot, why  
20   certain days, schedules or locations are appropriate or not. I  
21   understand that some of the parties have raised concerns about  
22   certain locations. I don't know if there's going to be  
23   multiple locations or not for a manual ballot if that's going  
24   to be something discussed, but. Both parties can, you know,  
25   put their position, detailed positions, on the record for that.

1           And lastly, we have the seventh issue that was raised.  
2           That's the regarding the new rules being a violation of the  
3           Act. We will cover that -- we will need an offer of proof on  
4           that and I'll discuss that as I breach the three issues that  
5           we're going to discuss regarding offer of proof. So that issue  
6           is still pending right now.

7           Are there any questions before I move on to the three  
8           issues that we'll be asking for an offer of proof?

9           MR. CARMODY: No.

10          MS. KASETA: No.

11          HEARING OFFICER MOY: Petitioner?

12          MS. HOFFMAN: No.

13          HEARING OFFICER MOY: Okay. So the three issues, again,  
14          that the Region identified as that we'll need additional offer  
15          of proof in order to determine if they are going to be  
16          litigated in this proceeding.

17          The first one is the five categories in issue number 3,  
18          the fourth issue being the seven individuals that allegedly  
19          have duties that are related to guard, guard duties; and the  
20          third being the new rules, objection to the new rules.

21          Now, on the first of these three on the categories, this  
22          being the burden of proof on the Employer, I'd like to hear a  
23          detailed burden -- I'm sorry -- detailed offer of proof then on  
24          who you intend on having come to provide testimony, what their  
25          testimony will be about regarding these specific categories and

1 why these categories should be deemed as guards under the Act.

2 MS. KASETA: Okay. We would present a witness and present  
3 evidence during this proceeding to show that the MRI  
4 technologists and the nuclear medicine technologists, as well  
5 as these other job duties that have been discussed today that  
6 perform the duty of the MRI technologists as part of their job,  
7 that these individuals meet the definition of a guard as set  
8 forth by Section 9(b)(3) of the National Labor Relations Act.

9 Section 9(b)(3) of the Act states that the Board is  
10 precluded from approving any bargaining unit that includes,  
11 together with other employees, any individual who's employed as  
12 a guard to enforce against employees and other persons rules  
13 that protect the property of the Employer or protect the safety  
14 of persons on the premises.

15 9(b)3 prevents any labor organization that either  
16 represents employees other than guards or is affiliated with  
17 any other labor organization that represents employees other  
18 than guards from itself representing a bargaining unit of  
19 guards.

20 Our testimony would prove and our supporting documentation  
21 would prove that the MRI technologists and the nuclear medicine  
22 technologists are guards within the meaning of the Act and,  
23 therefore, the petition should be dismissed.

24 With regard to the specific evidence that we'll present  
25 and speaking specifically now of the MRI technologists --

1 HEARING OFFICER MOY: Uh-huh.

2 MS. KASETA: -- the Employer will present evidence to  
3 demonstrate that MRI technologists are the only employees in  
4 the facilities who are tasked with maintaining the security of  
5 certain portions of the Employer's premises and, namely, that's  
6 the two zones, in particular, that surround the MRI machine.

7 MRI technologists police entry to the room containing the  
8 MRI machine and also the room directly outside the MRI machine  
9 because the MRI machine, itself, is an incredibly powerful  
10 magnet whose magnetic forces are present in the room at all  
11 times. As a result, if any metal object enters the room  
12 containing the MRI machine, the results could be harmful to  
13 entirely catastrophic. And our witness would be able to  
14 present examples of times where the guard function was not  
15 fulfilled by an MRI technologist that resulted in the death of  
16 a patient.

17 MRI technologists enforce the security of the room that  
18 contains the MRI machine. They have the authority to remove  
19 people from the room or the general area. They have the  
20 ability to report to police any individual who refuses to leave  
21 the area. In the judgment of the MRI technologist, they need  
22 to clear an area for the safety of employees or visitors, they  
23 have the authority to clear or evacuate that area. And the MRI  
24 technologists not only protect employees and visitors from the  
25 MRI machine but they also protect them from the machine, from

1 physically entering a room where the machine is but also  
2 protect them from the effects of the MRI machine. As I said,  
3 it's a very powerful magnet. It is kept cool with cryogen and  
4 if it is not kept cool, it can explode which would, obviously,  
5 be catastrophic.

6 So in guarding and policing not only the levels but also  
7 having the authority and clearance to evacuate a site, for  
8 example, if that magnet has reached an untenable level and has  
9 become dangerous.

10 The MRI technicians perform the functions of a guard  
11 within the Employer's facility.

12 The Employer will also present testimony and evidence  
13 related to the nuclear medical medicine technologists who are  
14 employed at the facilities. They also perform guard duties as  
15 defined by the Act.

16 Nuclear medicine technologists are the sole group of  
17 employees required to protect a locked and secured area of the  
18 facility. This area of the facility is where nuclear medicine  
19 is practiced.

20 Nuclear medicine involves the administration of  
21 radioactive isotopes to patients. Therefore, there are  
22 radioactive sources that are stored within -- it's a locked  
23 area within a locked area. You have a locked unit and then a  
24 locked room within that unit known as the "hot lab." The only  
25 employees who have access to that area are the nuclear medicine

1     technologists and they bring employees back -- bring patients  
2     back and escort them through. They're the only ones with  
3     access to the hot lab which is where the radioactive material  
4     is actually stored. They're the only ones who can enter that  
5     part of the area. They have to prevent entry into that area,  
6     the hot lab, by any other visitor or employee because of how  
7     strictly enforced, for potentially obvious reasons, radioactive  
8     material is.

9             They have to make sure that unauthorized removal of the  
10     radioactive sources doesn't occur. And this is not actually  
11     just a theoretical application but, in fact, our witness can  
12     present testimony about a recent incident where there was  
13     actually a man trying to gain access to these rooms in order to  
14     take radioactive materials out. Part of the function of the  
15     nuclear medicine technologists would be to prevent that  
16     individual from accessing that area for the safety of not only  
17     employees and patients but also the general public.

18            Additionally, nuclear medicine technologists have to  
19     monitor and guide the patients who themselves have been  
20     injected with radioactive isotopes. Those individuals have to  
21     be closely monitored within the Employer's facilities. These  
22     individuals are themselves, once injected, radioactive. They  
23     have to stay within the locked area. They are not to interact  
24     with other patients which could have a dangerous or harmful  
25     effect for those other patients particularly, for example,

1 women who are pregnant and in the facility for ultrasound. So  
2 those patients who are in the nuclear medicine department are  
3 monitored and prevented from exiting the nuclear medicine  
4 department by the nuclear medicine technologist. Furthermore,  
5 they actually take those patients out through a separate exit  
6 to avoid their interaction because, again, they are  
7 radioactive.

8 And if the hot lab, itself, which is where the radioactive  
9 isotopes are stored, if that is any way compromised, here too,  
10 the nuclear medicine technologist is the individual who is  
11 responsible for evacuating the facilities in that event.

12 This evidence, we think, is clearly relevant to the  
13 Regional Director's determination concerning whether these  
14 individuals are guards within the statutory meaning of the Act.  
15 This is particularly true where the case law illustrates that  
16 the most important factor to that determination is whether or  
17 not these employees enforce rules against other employees and  
18 against visitors for the protection and safety of patients and  
19 employees and the Employer's premises.

20 And for that reason, we believe we should be permitted to  
21 enter evidence on this.

22 And I actually have a written offer of proof. I could  
23 submit it as an exhibit if you would like.

24 HEARING OFFICER MOY: Sure. You guys can submit something  
25 for -- yes, you can actually submit it as Employer Exhibit A.

1 MS. KASETA: One

2 HEARING OFFICER MOY: One -- I'm sorry.

3 Okay. So I understand the Employer's position on this,  
4 could we have a little bit more detail on the specific  
5 witnesses, then, that are going to be giving testimony on this.  
6 Are we talking about how many individuals, are they across the  
7 different classifications, of these classifications, or is it  
8 supervisors of these individuals who will be giving testimony  
9 on this?

10 MR. CARMODY: I think that goes beyond what the rules and  
11 regulations require. We -- I don't -- I'm unaware of any  
12 obligation we carry to identify somebody by name.

13 HEARING OFFICER MOY: You don't have to identify anybody  
14 by name. We're not looking for names of individuals. This is  
15 simply for the burden of reaching whether or not the Regional  
16 Director will entertain litigating the issue all together.  
17 They would like to know what the actual type of individuals  
18 who'll be giving testimony, the number of them. For example,  
19 just bear with me here. If you only had one witness who is a  
20 low-level employee who's going to give testimony on all this  
21 stuff then that's not something that, you know. Their  
22 testimony would not go to support these allegations and,  
23 therefore, I would guess the Regional Director would be --  
24 decline, you know, the opportunity to litigate that, so.

25 The reason for this -- you do not have to provide if you

1 don't want to but it's in your best interest and your client's  
2 best interest to do so.

3 MS. KASETA: We're going to present one witness who's a  
4 medical doctor who has essentially written the safety rules as  
5 they pertain to the Employer and as they pertain to these two  
6 job classifications. So he can speak with authority as to both  
7 facets of the guard issue.

8 HEARING OFFICER MOY: Okay. He wrote these -- the rules  
9 for this -- these facilities.

10 MS. KASETA: For this Employer.

11 HEARING OFFICER MOY: For this Employer.

12 MS. KASETA: Yes, and for these --

13 HEARING OFFICER MOY: Okay.

14 MS. KASETA: -- these facilities. And he is the  
15 individual responsible for the accreditation of the facilities.

16 HEARING OFFICER MOY: Okay.

17 MS. KASETA: Yeah. He does possess personal knowledge of  
18 all the work duties and the enforcement of the safety rules.

19 HEARING OFFICER MOY: Okay.

20 Okay. Anything else on this topic of the -- actually, I'm  
21 sorry. I should enter this exhibit. Are there any objections  
22 about this being entered, the exhibit. Again, I'll make clear  
23 that this is simply an argument; it's not, obviously, taken for  
24 fact, given, entered into as Employer Exhibit 1 as its offer of  
25 proof regarding the issue to be litigated of classifications to

1 be considered guards under the Act.

2 MS. HOFFMAN: No objection.

3 HEARING OFFICER MOY: Okay. So Employer Exhibit 1 will be  
4 entered into evidence.

5 **(Employer Exhibit Number 1 Received into Evidence)**

6 HEARING OFFICER MOY: Are there any other things that  
7 you'd like to add for the offer of proof before we move on to  
8 the next subject?

9 MS. KASETA: No.

10 HEARING OFFICER MOY: Okay. So the second topic then will  
11 be the seven individuals that the Employer has identified as  
12 the multimodality techs who perform, my understanding that they  
13 perform some of the job duties that are the MRI technologists.  
14 Again, an offer of proof and, I take it, might be similar  
15 because we are talking about the same classifications or job  
16 duties but I'll let you articulate that for us to consider, for  
17 the Regional Director to consider for litigation purposes.

18 MS. KASETA: Sure. Each of the seven individuals listed  
19 in Section 4 of the Employer's statement of position is the  
20 multimodality technologists. Multimodality technologists, as a  
21 general matter, not just these seven individuals but all  
22 multimodality technologists work on more than one type of  
23 imaging equipment so they could be a CAT scan technologist and  
24 an MRI technologist; they could be an X-ray technologist and a  
25 CAT scan technologist.

1           The seven individuals that we've identified in response to  
2           question 4 are the seven people who work as MRI technologists  
3           as part of their multimodality job responsibilities. With  
4           regard to how that makes them guards, I would refer you back to  
5           my offer of proof in Employer Exhibit 1.

6           HEARING OFFICER MOY: And is there -- what about the -- I  
7           understand that they have multiple rotations -- is that the  
8           right terminology for this? Or multiple -- sometimes they  
9           aren't working MRIs, you said, sometimes they work on CAT  
10          scans. What percentage of their time then is under the MRI  
11          scans in order for them to fall under the guard --

12          MS. KASETA: It would be our position that the exact  
13          percentage of time would be irrelevant because as long as  
14          they're exercising guard responsibilities pursuant to Section  
15          9(b)(3) of the Act, they can't be represented by this union.

16          HEARING OFFICER MOY: Okay. And in terms of its  
17          testimony, is it going to be the same testimony from the  
18          earlier position then, the earlier issue?

19          MS. KASETA: That testimony will be encompassed by the  
20          same witness.

21          HEARING OFFICER MOY: Okay.

22          MS. KASETA: And the same documentary evidence.

23          HEARING OFFICER MOY: And you mentioned that that witness  
24          has personal knowledge of these job duties. He didn't just  
25          write them but he, obviously, personally knows, so. Is that

1 person familiar with these specific individuals then or at  
2 least their job classification --

3 MS. KASETA: Yes.

4 HEARING OFFICER MOY: -- as multi --

5 MS. KASETA: Yes.

6 HEARING OFFICER MOY: Okay.

7 MS. KASETA: I don't know if I could say like that he  
8 would know those individual employees.

9 HEARING OFFICER MOY: Uh-huh.

10 MS. KASETA: But he is very familiar with their job  
11 classifications and how they exercise the duties of their role  
12 as a MRI technologist within the multimodality.

13 HEARING OFFICER MOY: Okay.

14 MS. KASETA: And he knows what a -- he can testify as to  
15 what a multimodality technologist does, as well.

16 HEARING OFFICER MOY: Okay. Okay. Now is there anything  
17 else for this particular issue in terms of offer of proof?

18 MS. KASETA: No.

19 HEARING OFFICER MOY: Okay. Now for lastly regarding the  
20 objection to the revised election rules. I just want to  
21 confirm then. Is the Employer's position then that you guys  
22 are objecting to as a facial challenge to the rule, itself?  
23 And -- is that correct?

24 MR. CARMODY: That is correct.

25 HEARING OFFICER MOY: Okay.

1 MR. CARMODY: And -- go ahead.

2 HEARING OFFICER MOY: Okay. And then my next follow-up  
3 question then is what type of evidence would you -- is there  
4 going to be evidence you're going to put forth in regarding to  
5 that type of challenge or it's just a challenge to the -- the  
6 facial challenge to the actual rules, itself.

7 MR. CARMODY: Like a five-minute break, please, to review  
8 it.

9 HEARING OFFICER MOY: That's fine. Off the record.

10 (Off the record at 5:05 p.m.)

11 HEARING OFFICER MOY: Okay. We're back on the record.

12 MR. CARMODY: So, Mr. Hearing Officer, we don't intend to  
13 -- wouldn't intend to present any evidence --

14 HEARING OFFICER MOY: Uh-huh.

15 MR. CARMODY: -- per se, in support of the issue. It is,  
16 instead, as you described it facial challenge that we would  
17 articulate with greater specificity upon the close of the  
18 hearing or in a post-hearing brief, as the case may be.

19 HEARING OFFICER MOY: Okay. Okay. Is there any other  
20 things that either party would like to add to this discussion  
21 before we get a final determination from the Regional Director  
22 on which issues will be litigated?

23 MR. CARMODY: No, sir.

24 HEARING OFFICER MOY: Petitioner?

25 MS. HOFFMAN: No.

1           HEARING OFFICER MOY: Okay, let's take another -- sorry --  
2 another ten-minute recess. I do believe that the Regional  
3 Director will make a rather quick decision. So when we come  
4 back on the record, or at least just before we go back on the  
5 record, we can discuss whether or not it's appropriate to  
6 recess for the remainder of the day or if we have a witness  
7 that fits into the short time span that we have or what kind of  
8 time frame we're working with, so. You guys can discuss it  
9 together if you'd like or you guys can wait till I get back  
10 with the Regional Director's decision. Okay. Off the record.  
11 (Off the record at 5:12 p.m.)

12           HEARING OFFICER MOY: Thank you everyone for your  
13 patience. We have spoken to the Regional Director. She has  
14 made her determination on which issues will be litigated based  
15 on the offers of proof.

16           Regarding issue number 3 and 4 -- 3 being the categories  
17 of employees that deal with MRI technology and the nuclear  
18 medicine, whether or not they are considered guards under the  
19 Act; and 4 being the seven individuals who have job duties that  
20 include being an MRI technologist and, therefore, a guard under  
21 the Act.

22           It was close because already had some reservations on this  
23 topic, whether or not there'd be sufficient proof to establish  
24 whether they're guards but she will hear, we will litigate the  
25 issue and it is something that we will take evidence on.

1           We understand that there's one, maybe more witnesses on  
2     it. And just be sure that that person is able to flush out all  
3     the details necessary to prove that. As you already know, the  
4     burden is on the Employer to make that argument and to make the  
5     winning argument that those individuals should be precluded  
6     from the unit.

7           Regarding the last issue of the facial challenge to the  
8     Board rules, that issue will be precluded from litigation then  
9     because there's no offer of proof of actual evidence related to  
10    it. It's just a facial challenge.

11          One thing that I will note, however, though. There's been  
12    some mention of briefs by mostly one party -- but mention of  
13    briefs by the parties. And please note that the Regional  
14    Director has not made a decision whether or not there will be  
15    closing briefs in this particular matter. It obviously may  
16    also depend and hinge on the type of evidence that's presented  
17    with the issues that we've already discussed, so. It may be  
18    one option in the interim so all parties have advance notice of  
19    this is that if either party would like to prepare any kind of  
20    statement with relevant case law, they can submit that as part  
21    of the record to be included as, for example, an exhibit or  
22    whatnot in case the Regional Director does decide that briefs  
23    are not appropriate for this matter.

24          Now, to summarize, I just want to make sure we're all  
25    clear then on the actual issues that will be litigated. The

1 Regional Director has directed the following issues that will  
2 be litigated in this proceeding -- first being the  
3 appropriateness of the RN and the technical employees and  
4 there's a community of interest between these two groups;  
5 second issue being the multi-location or the scope of the unit  
6 of the 17 different locations and the community of interest  
7 between each of the employees of those locations; the third  
8 being the categories identified by the Employer as -- that are  
9 related to the MRI technologists and the nuclear medicine  
10 technologists and whether or not they are guards under the  
11 definition of the Act, what that classification is; fourth  
12 being the seven individuals who have responsibilities that are  
13 shared with MRI technologists or rotate into those positions  
14 and, therefore, have duties that are considered guards under  
15 the Act. And those are the only four issues that will be  
16 litigated in this case.

17 MR. CARMODY: To clarify.

18 HEARING OFFICER MOY: Yes.

19 MR. CARMODY: Is it the Regional Director's determination  
20 that my client is not permitted to litigate a facial challenge  
21 of the Board's revised rules?

22 HEARING OFFICER MOY: I will -- I'm being summoned right  
23 now. I don't know if it's related to that question or not.  
24 But I'm going to take a short recess and let me check.

25 MR. CARMODY: Thank you.

1 HEARING OFFICER MOY: Off the record, please.

2 (Off the record at 5:41 p.m.)

3 HEARING OFFICER MOY: So I believe where we left it was  
4 Employer had wanted to be clear whether or not he could or  
5 could not litigate the issue of the facially unlawful new  
6 rules; is that --

7 MR. CARMODY: The facial validity.

8 HEARING OFFICER MOY: Yeah, facial validity. That is  
9 correct. That issue -- the Regional Director has ruled that  
10 you are precluded from litigating that issue in this particular  
11 hearing.

12 MR. CARMODY: And I want to be very --

13 HEARING OFFICER MOY: Uh-huh.

14 MR. CARMODY: I want to make sure the record is crystal  
15 clear on this point.

16 HEARING OFFICER MOY: Yes.

17 MR. CARMODY: I have made clear that it is a facial  
18 challenge --

19 HEARING OFFICER MOY: Yes.

20 MR. CARMODY: -- to the revised rules and there's no  
21 evidence, no testimony, no documentary evidence that we would  
22 intend to put into the record in support of the argument.

23 HEARING OFFICER MOY: That's correct.

24 Okay. Are there any other questions about which issues  
25 now that we're going to be litigating?

1           MR. CARMODY: What is the basis for the Regional  
2 Director's determination that my client should not be able --  
3 so long as her decision stands -- will not be able to challenge  
4 the facial validity of these rules?

5           HEARING OFFICER MOY: The facial validity, meaning that if  
6 you have offered any evidence to actually support why, you  
7 know, how, for example, how the rules affected your  
8 representation during this particular petition, that would be  
9 applicable to this particular hearing, but if it's a facial  
10 challenge to this specific hearing and without any evidence to  
11 support that, that issue cannot be litigated in this particular  
12 proceeding.

13          MR. CARMODY: Okay. Thank you.

14          HEARING OFFICER MOY: Any other questions?

15          Okay. Now, we are ready to move on then. We have our  
16 issues to be litigated. And I just -- before we would and then  
17 move on to the presentation of the evidence, again, I want to  
18 make sure that the burdens of proof are very clear for all  
19 parties regarding issue number 1 of the RN and the tech group.  
20 The burden of proof will be on the Union or the Petitioner.

21          For issue number 2, the multi-location related scope issue  
22 of community of interest between the two -- between all the  
23 facilities, the burden of proof is on the Petitioner-Union.

24          For issues 3 and 4, which relate to the job duties and  
25 whether or not they're considered guard duties under the Act

1 for both the classifications and for seven individuals, that  
2 burden will be on the Employer.

3 Is everyone clear about that? Petitioner?

4 MS. HOFFMAN: Yes.

5 HEARING OFFICER MOY: Employer?

6 MS. KASETA: Uh-huh, yes. Thank you.

7 HEARING OFFICER MOY: I know everyone was nodding their  
8 head or saying yes. Okay. At this time, we're going to move  
9 on to presentation of evidence. Why don't we go off the record  
10 for a second so we can talk about scheduling.

11 (Off the record at 5:52 p.m.)

12 HEARING OFFICER MOY: We're back on the record. We will  
13 be beginning our presentation of evidence tomorrow and  
14 tomorrow. So we will recess right now and adjourn till 9 a.m.  
15 tomorrow morning; in this hearing room again.

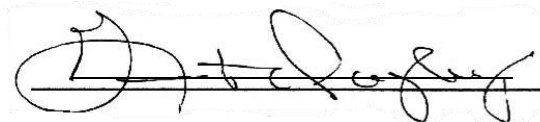
16 At that point, the Union will likely be providing its  
17 first witness for the presentation of evidence but the Employer  
18 will consider providing a foundational witness, as well. But  
19 they will notify us about that tomorrow morning.

20 At this time we're going to close the record -- or I'm  
21 sorry -- we're going to recess and we'll pick this up again  
22 tomorrow morning. Off the record.

23 **(Whereupon, the hearing in the above-entitled matter as**  
24 **recessed at 5:55 p.m. until Wednesday, November 8, 2017 at 9:00**  
25 **a.m.)**

C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 31, Case Number 31-RC-208646, Radnet Management, Inc. and National Union of Healthcare Workers, at the National Labor Relations Board, Region 31, 11500 West Olympic Boulevard, Suite 600, Los Angeles, California 90064, on Tuesday, November 7, 2017, 3:08 p.m. was complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.

A handwritten signature in black ink, appearing to read "Grant C. Dayley", is written over a horizontal line.

GRANT C. DAYLEY

Official Reporter

**RADNET MANAGEMENT, INC.**  
**Representation Case Hearing, NLRB Case No. 31-RC-208646**  
**National Labor Relations Board, Region 31**

**OFFER OF PROOF**

If provided the opportunity to examine witnesses and present evidence during this proceeding, the Employer will show that the MRI Technologists and the Nuclear Medicine Technologists employed at the Employer's facilities meet the definition of a "guard", as set forth by Section 9(b)(3) of the National Labor Relations Act. Section 9(b)(3) of the Act states that the Board is precluded from approving any bargaining unit that "includes, together with other employees, any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises." Section 9(b)(3) further prevents any labor organization that either represents employees other than guards or is affiliated with a labor organization that represents employees other than guards from itself representing a bargaining unit of guards. The Employer will prove, via testimony and supporting documentation, that MRI Technologists and Nuclear Medicine Technologists are guards within the meaning of the Act, and the Union's Petition must therefore be dismissed.

With regard to the MRI Technologists, the Employer would present evidence to demonstrate that MRI Technologists are the only employees tasked with maintaining the security of certain portions of the Employer's premises, namely the

two zones that surround the MRI machine. MRI Technologists strictly police entry to the room containing the MRI machine because the MRI machine itself is an incredibly powerful magnet whose strong magnetic forces are present in the room at all times. As a result, if any metal object enters the room containing the MRI machine, the results could range from merely harmful to entirely catastrophic. MRI Technologists enforce the security of the room that contains the MRI machine, and have the authority to forcibly remove people from the room or the general area if, in the judgment of the MRI Technologist, it is required for the safety of employees and visitors at the facility. Furthermore, the Employer would present evidence that the MRI Technologists must protect employees and visitors to a facility from the effects of a malfunctioning MRI machine, which could be equally, if not more, hazardous. Put quite simply, MRI machines that get too hot can explode, and in cases where a MRI machine is rapidly heating up or otherwise out of order, a MRI Technologist is authorized to take several safety precautions, from cancelling patients, to clearing a room, or even evacuating a facility.

Next, the Employer would present testimony and supporting evidence that will prove that the Nuclear Medicine Technologists employed at its facilities are also guards as defined by the Act. Nuclear Medicine Technologists are the sole group of employees required to protect a locked and secured area of the facility known as the "Hot Lab", which houses a multitude of radioactive material, from entry by any

unauthorized person. Nuclear Medicine Technologists are the only employees in a facility who are allowed to enter the Hot Lab, and they must prevent entry by any other person to avoid radioactive contamination, as well as the unauthorized removal of any of the radioactive sources stored therein, many of which could be incredibly harmful to the population at large. Furthermore, Nuclear Medicine Technologists must closely monitor and guide patients who have been injected with radioactive isotopes for imaging procedures, in order to prevent the other patients and employees of the facility from being exposed excessive radioactive matter. This duty requires the Nuclear Medicine Technologists not only to closely observe patients, but also to escort them to the bathroom and out of the facility. Finally, if the Hot Lab is compromised in any significant manner, the Nuclear Medicine Technologist is responsible for evacuating the facility.

Because this evidence is relevant to the Regional Director's determination concerning the appropriateness of the petitioned-for unit, the Employer should be permitted to present this testimony and supporting documentary evidence.

**UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 31**

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RADNET MANAGEMENT, INC D/B/A	:	
SAN FERNANDO VALLEY INTERVENTIONAL	:	31-RM-209388
RADIOLOGY AND IMAGING CENTER	:	

*and*

NATIONAL UNION OF HEALTHCARE WORKERS	:	
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**EMPLOYER’S OBJECTIONS TO THE  
DECEMBER 6, 2017 ELECTION**

Pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (hereafter, the “Board”), as amended, RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (hereafter, “SFI” or the “Employer”) hereby submits the below Objections relative to the election held in the above-captioned matter in Encino, California on December 6, 2017 in a unit consisting of assorted technical classifications (hereafter, the “Technical Unit”). The results of the election, as recorded on the Tally of Ballots and the Amended Tally of Ballots issued by the Board, were four votes cast for the National Union of Healthcare Workers (hereafter, “NUHW” or the “Union”), and two votes cast against the Union, in a unit of approximately six eligible voters. The tally of ballots reflects that there was one challenged

ballot cast during the election, which was determined by the Board to be insufficient in number to affect the outcome of the election.

OBJECTIONS TO CONDUCT AFFECTING  
THE RESULTS OF THE ELECTION

- (1) The Union failed to disclose to eligible voters the Union's affiliation with the International Association of Machinists and Aerospace Workers (hereafter, "IAMAW"), an agent of the Union, and by such omission, engaged in a material misrepresentation regarding the Union's proposed representation of employees that was sufficiently egregious so as to require the setting aside of the election. A new election should be conducted wherein employees are apprised of the true nature and composition of the collective bargaining representative involved in the election.
- (2) The Union's and / or IAMAW's conduct during the organizing campaign, specifically, upon information and belief, the Union's and / or IAMAW's harassment of the Employer and eligible voters by its involvement in the filing of false police reports against facilities operated by RadNet Management, Inc. and against employees of RadNet Management, Inc., was sufficiently egregious so as to require the setting aside of the election, and the conduct of a new election in the Technical Unit.

### OBJECTIONS TO THE CONDUCT OF THE ELECTION

- (3) The Board Agent erred by failing and / or refusing to designate and police a “no electioneering zone” at the polling place during the election. Because the Board Agent failed to fulfill the Board’s obligation to ensure that no electioneering occurred in a “no electioneering zone”, the Board Agent’s error requires the setting aside of the election, and the conduct of a new election.
- (4) The Board Agent erred by misrepresenting to the one employee who voted subject to challenge that his ballot would, in all circumstances, remain a secret ballot. The Board Agent erred by failing to instruct the employee who voted subject to challenge that, in some circumstances, his ballot would not be confidential and his vote would not be by a “secret ballot”. This fundamental infirmity in the Board’s process of facilitating a challenged ballot must be cured, and a new election should be conducted pursuant a revised challenge ballot process.
- (5) The Board Agent erred by permitting the Union’s observer to utilize a writing implement while the polls were open to make marks on and in written materials in the Union’s observer’s possession during the polling period.

- (6) The Board erred by conducting an election in the Technical Unit where the Union failed to disclose to employees during the Union's organizing campaign a material affiliation with the IAMAW, an agent of the Union. As a result, a new election should be conducted, wherein employees are apprised of the true nature and composition of the collective bargaining representative involved in the election.
- (7) The Board erred by conducting the election in violation of Section 9(b)(3) of the National Labor Relations Act.
- (8) The Board erred by conducting the election pursuant to the Board's revised election rules, which violate the National Labor Relations Act, the Administrative Procedure Act, and the public policy considerations underlying a number of other federal statutes. Consequently, the election should be set aside, and a new election should be conducted pursuant to election rules which comport with all applicable law.

Dated: Mount Pleasant, South Carolina  
December 13, 2017

Respectfully Submitted,



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**UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 31**

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RADNET MANAGEMENT, INC D/B/A	:	
SAN FERNANDO VALLEY INTERVENTIONAL	:	31-RM-209388
RADIOLOGY AND IMAGING CENTER	:	

*and*

NATIONAL UNION OF HEALTHCARE WORKERS	:	
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**CERTIFICATE OF SERVICE**

The Undersigned, Kaitlin A. Kaseta, Esq., being an Attorney duly admitted to the practice of law, certifies, pursuant to 28 U.S.C. § 1746, that the Employer's Objections to the December 6, 2017 Election were e-filed this date through the website of the National Labor Relations Board ([www.nlr.gov](http://www.nlr.gov)). The Undersigned does hereby further certify that a copy of the Employer's Objections to the December 6, 2017 Election were served this date upon the following by email:

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Dated: Mount Pleasant, South Carolina  
December 13, 2017

Respectfully Submitted,

A handwritten signature in cursive script, reading "Kaitlin A. Kaseta". The signature is written in dark ink and is positioned above a horizontal line.

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**UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 31**

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RADNET MANAGEMENT, INC D/B/A	:	
SAN FERNANDO VALLEY INTERVENTIONAL	:	31-RM-209388
RADIOLOGY AND IMAGING CENTER	:	

*and*

NATIONAL UNION OF HEALTHCARE WORKERS	:	
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**EMPLOYER’S OFFER OF PROOF ACCOMPANYING  
OBJECTIONS TO THE DECEMBER 6, 2017 ELECTION**

Pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (hereafter, the “Board”), as amended, RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (hereafter, “SFI” or the “Employer”) hereby submits the below Objections relative to the election held in the above-captioned matter in Encino, California on December 6, 2017 in a unit consisting of assorted technical classifications (hereafter, the “Technical Unit”). The results of the election, as recorded on the Tally of Ballots and the Amended Tally of Ballots issued by the Board, were four votes cast for the National Union of Healthcare Workers (hereafter, “NUHW” or the “Union”), and two votes cast against the Union, in a unit of approximately six eligible voters. The tally of ballots reflects that there was one challenged

ballot cast during the election, which was determined by the Board to be insufficient in number to affect the outcome of the election.

### Objection No. 1

The Employer alleges that the Union failed to inform and / or disclose to employees the Union's affiliation with the International Association of Machinists and Aerospace Workers (hereafter, "IAMAW"), an agent of the Union, and by such omission, engaged in a material misrepresentation regarding the Union's proposed representation of employees that was sufficiently egregious so as to require the setting aside of the election results, and the conduct of a new election in the Technical Unit. In support of its Objection, the Employer would call Ryan Dyer, Vice President of Southern California Operations for the Employer, as a witness. Dyer will testify that he attended the vote counts for the elections held at SFI on December 6, 2017, as well as the vote counts involving Santa Clarita Imaging, San Fernando Valley Advanced Imaging, and Valley Hills Imaging, Vanowen Advanced Imaging, and Imaging Specialists of Burbank - held on December 7, 2017, December 8, 2017, and December 11, 2017, respectively. The evidence will show that the above-named facilities are all operated by RadNet Management, Inc., and were the subject of the same organizing campaign by the Union as was conducted by the Union at SFI.

Dyer's testimony will establish that, at each of the vote counts enumerated above, the Union's representative, Sophia Mendoza, was accompanied by a man who introduced himself as Ryan. Documentary evidence will establish that Ryan's full name is Ryan Carrillo and that he is an Organizer with IAMAW District Lodge No. 725. Dyer's testimony will illustrate that Carrillo was actively advising NUHW on the conduct of the vote tallies, and asking questions of the Board Agent and counsel for the Employer on behalf of the Union during the pre-election conferences and vote counts. Furthermore, the Employer will present documentary evidence of the affiliation between NUHW and IAMAW, including the unions' announcement of an affiliation in 2012, and evidence of joint training, joint political campaigning, joint press releases, and joint organizing efforts that occurred as recently as 2017. The Employer would also intend to subpoena representatives of both NUHW and IAMAW to further supplement the evidence of the unions' affiliation that already exists.

Finally, the Employer will present evidence relevant to the question of whether employees should have been informed of the affiliation between NUHW and IAMAW. For example, the Employer will show that IAMAW organizers, including Carrillo, are awarded cash incentives for organizing employees, which may include the employees at SFI. Additionally, the

Employer will prove by documentary evidence that IAMAW has been accused of engaging in unfair labor practices and has engaged in strikes of various durations. The Employer will then call employees of SFI to testify regarding whether they consider such information material to their decision as to whether or not to be represented by the Union, given that the Union is affiliated with IAMAW.

### Objection No. 2

The Employer alleges that the Union and / or IAMAW's conduct during the organizing campaign, specifically, upon information and belief, the Union's and / or IAMAW's harassment of the Employer and eligible voters, by its involvement in the filing of false police reports against facilities operated by RadNet Management, Inc. and against employees of RadNet Management, Inc. who were also involved in the Union's organizing campaign, was sufficiently egregious so as to require the setting aside of the election results, and the conduct of a new election in the Technical Unit. In support of its Objection, the Employer would call Sara Gladstone, Site Manager of Liberty Pacific Advanced Imaging – Tarzana; Mariann McDonnell, Site Manager of Valley Hills Imaging Center; Twyla Debortnowsky, an employee of and eligible voter at Valley Hills Imaging Center; Stephanie Elm, an employee of and eligible voter at Valley Hills

Imaging Center; and Elisa Carpio, Site Manager of Northridge Diagnostic Center, as witnesses.

The testimony of these witnesses would establish that Liberty Pacific Advanced Imaging – Tarzana, Valley Hills Imaging Center and Northridge Diagnostic Center are all operated by RadNet Management, Inc. The evidence would further establish that all three facilities were the subject of the same organizing campaign by NUHW that encompassed SFI. These witnesses will testify that, during the NUHW organizing campaign, they voiced opposition to the Union's organizing campaign and/or refused to engage with the Union, and thereafter, during the pendency of the NUHW organizing campaign and only during the pendency of the NUHW organizing campaign, false police reports were filed against them.

Specifically, Gladstone will testify that, after she voiced opposition to the Union's organizing campaign, on October 24, 2017, a false report involving Gladstone was filed with the Los Angeles Police Department (hereafter, the "LAPD"). McDonnell will testify that, after she voiced opposition to the Union's organizing campaign, the LAPD were summoned to her home in response to false reports of domestic disturbances on November 9, 2017 and November 23, 2017. Debortnowsky will testify that she would not commit to supporting the Union during the organizing

campaign, and that the LAPD were summoned to her home in response to false reports of domestic disturbances on October 26, 2017, November 9, 2017, and November 12, 2017. Similarly, Elm will testify that, after she stopped responding to text messages from the Union, the LAPD were summoned to her home in response to a false report of a domestic disturbance on November 24, 2017.

Finally, Carpio will testify that after she had expressed opposition to the Union's organizing campaign, the LAPD were summoned to Northridge Diagnostic Center in response to false reports of alleged altercations involving Northridge Diagnostic Center patients in the parking lot on November 3, 2017, November 9, 2017 and November 27, 2017. All of the Employer's witnesses will testify that, before the events described in this Offer of Proof, they or their facility had never previously been the subject of a false police report filed with the LAPD. Furthermore, all of the witnesses will testify that, since the NUHW organizing campaigns concluded, they and their facilities have not been the subject of any false police reports. The witnesses will testify that they were concerned and intimidated by the ongoing false reports filed against them and their facilities, and that they discussed these false reports with managers and employees of other facilities operated by RadNet Management, Inc., including SFI. Thus, the evidence

will establish that employees at SFI were aware of false police reports being filed against individuals who refused to support or communicate with the Union.

Finally, if permitted the opportunity, the Employer will issue subpoenas to NUHW and the IAMAW in order to present further documentary evidence of the link between the false police reports described above and the Union. Furthermore, the Employer has filed, contemporaneously with this Offer of Proof, a Motion for an Extension of Time to submit a supplemental Offer of Proof in connection with this Objection, so that the Employer may continue to investigate and develop the evidence in support of its Objection, much of which is currently in the possession of the LAPD, and which has been requested, but not yet received, by the Employer.

### Objection No. 3

The Employer alleges that the Board Agent erred by failing and / or refusing to designate and police a “no electioneering zone” at the polling place during the election. Because the Board Agent failed to fulfill the Board’s obligation to ensure that no electioneering occurred in a “no electioneering zone”, the Employer asserts that the Board Agent’s error requires the setting aside of the election, and the conduct of a new election.

In support of its Objection, the Employer would seek permission from the General Counsel to subpoena Board Agent Angelica Blanco to testify regarding her response to a question posited by counsel for the Employer about the “no electioneering zone” during the pre-election conference. The Employer would also present corroborating evidence from Jarod Banks, who is employed as a MRI Technologist at SFI, and who served as the Employer’s observer during the election on December 6, 2017.

This evidence will prove that, when asked by counsel for the Employer to designate the “no electioneering zone”, Blanco appeared confused, and responded that the Board does not designate a “no electioneering zone”. Blanco then indicated that she had posted signs indicating the polling area in the hallway and stairwell outside the conference room where the election was held. Banks will further testify that, once the polls opened, the door to the conference room remained open only 3 inches, thereby preventing the Board Agent or the observers from observing what was happening just outside the door to the polling place. Accordingly, the Employer intends to produce testimony from both Banks and the Board Agent that the area immediately surrounding the polling place could not be, and thus was not, policed during the election.

#### Objection No. 4

The Employer alleges that the Board Agent erred by failing to instruct the employee who voted subject to challenge that, in some circumstances, his ballot would not be confidential and his vote would not be confidential. The Employer asserts that the Board Agent erred by failing to instruct the employee who voted subject to challenge that, in some circumstances, his ballot would not be confidential and his vote would not be by "secret ballot". The Employer maintains that this fundamental error in the Board's process of facilitating a challenged ballot must be cured, and a new election should be conducted pursuant to a revised challenged ballot process. In support of its Objection, the Employer would again produce Jarod Banks, the Employer's election observer, and also seek permission from the General Counsel to subpoena Board Agent Angelica Blanco, to testify. The evidence would illustrate that, when challenged voter Mark Morikawa entered the polling area and provided his name to the Board Agent, the Board Agent advised Morikawa that his vote would still be by secret ballot, and that if his vote was going to be counted, it would first be mixed in with the other ballots from the election. The evidence will further demonstrate that Morikawa was not advised that, in certain circumstances – namely, if his vote was the only challenged vote and was counted, or alternatively, if there

were multiple challenges but all challenged voters cast either “Yes” or “No” ballots when they voted – his vote would no longer be cast via “secret ballot”.

#### Objection No. 5

The Employer alleges that the Board Agent erred by permitting the Union’s observer to utilize a writing implement during the polling period to make marks on and in written materials while the polls were open. The Board’s error requires that the election results be set aside and a new election be conducted. If permitted to present evidence in connection with its Objection, the Employer would again produce Employer observer Jarod Banks and seek permission from the General Counsel to subpoena Board Agent Angelica Blanco, who would testify that during the polling period, Union observer Melissa Beck-Pearce was permitted by the Board Agent to utilize a highlighter to make markings in a study guide for the AART exam. Banks and Blanco will testify that Beck-Pearce was permitted to continue making markings in the AART study guide even while employees entered and exited the polling place to cast their votes. Banks and Blanco will testify that, after the election, Beck-Pearce was permitted to retain the AART study guide that she had been marking during the polling period, and that neither

Blanco or Banks reviewed Beck-Pearce's written materials to ensure that she had not maintained a list of the employees who voted in the election.

#### Objection No. 6

The Employer alleges that the Board erred by conducting an election in the Technical Unit where the Union failed to disclose to employees during the Union's organizing campaign a material affiliation with the IAMAW, an agent of the Union. As a result, the Employer urges that a new election should be conducted, wherein employees are apprised of the true nature and composition of the collective bargaining representative involved in the election. The Employer's evidence with regard to the material affiliation between NUHW and IAMAW is delineated in Objection No. 1, above. The Employer will present the Employer's observer, Jarod Banks, to testify that the affiliation between NUHW and IAMAW was not in any way discussed or disclosed by the Union or the Board either prior to, or during, the election on December 6, 2017.

#### Objection No. 7

The Employer alleges that the Board erred by conducting an election in violation of Section 9(b)(3) of the National Labor Relations Act. In support of its Objection, the Employer would present Dr. Hiendrick Vartani, who is employed by RadNet Management, Inc. as the company's Medical

and Health Physicist. Dr. Vartani would testify that the MRI Technologists and Multi-Modality Technologists employed at SFI are “guards” within the meaning of Section 9(b)(3) of the National Labor Relations Act.

The Employer would present testimony and evidence demonstrating that MRI Technologists and Multi-Modality Technologists are the only employees tasked with maintaining the security of certain portions of the Employer’s premises, namely the two zones that surround the MRI machine. The evidence would prove that MRI Technologists and Multi-Modality Technologists strictly police entry to the room containing the MRI machine because the MRI machine itself is an incredibly powerful magnet whose strong magnetic forces are present in the room at all times. As a result, if any metal object enters the room containing the MRI machine, the results could range from merely harmful to entirely catastrophic. Furthermore, the evidence would illustrate that MRI Technologists and Multi-Modality Technologists enforce the security of the room that contains the MRI machine, and have the authority to forcibly remove people from the room or the general area if, in the judgment of the Technologist, it is required for the safety of employees, visitors, and patients at the facility. Additionally, the Employer would present evidence that the MRI Technologists and Multi-Modality Technologists must protect employees, visitors, and patients to a

facility from the effects of a malfunctioning MRI machine, which could be equally, if not more, hazardous. The testimony and evidence will show that MRI machines that get too hot can explode, and in cases where a MRI machine is rapidly heating up or otherwise out of order, a MRI Technologist or Multi-Modality Technologists is authorized to take several safety precautions, from cancelling patients, to clearing a room, or even evacuating a facility. Thus, the totality of the Employer's evidence will demonstrate that MRI Technologists and Multi-Modality Technologists function as "guards" as defined by Section 9(b)(3) of the Act.

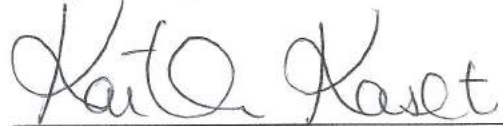
#### Objection No. 8

The Employer alleges that the election must be set aside because the Board's revised election rules violate the National Labor Relations Act, the Administrative Procedure Act, and the public policy considerations underlying a number of other federal statutes. In briefing its Objections to the facial validity of the Board's revised election rules, the Employer would show that the Board's revised election rules' requirement that the Employer provide the Union with employees' personal information, including but not limited to employees' personal phone numbers and personal e-mail addresses, violated Section 7 and Section 9(b) of the National Labor Relations Act, as amended, as well as the Administrative Procedure Act.

Additionally, the Employer would demonstrate that the disclosures undermined the public policy considerations underlying various federal statutes. See e.g., Privacy Act of 1974, 5 U.S.C. § 552(a); Freedom of Information Act, 5 U.S.C. § 552(6); Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. §§ 6101 – 6108; Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, 15 U.S.C. § 7704(a)(3)(A). Furthermore, the Employer would prove that the Board's Rules and Regulations have created a "quickie election" process that ignores the intentions of Congress as expressed in the context of the 1947 amendments to the National Labor Relations Act. Additionally, the Employer will demonstrate that the "quickie election" process set up and maintained by the Board's revised Rules and Regulations abridged the Employer's rights under Section 8(c) of the Act and violated the APA. Finally, the Employer will show that the Board's implementation of the revised Rules and Regulations, and the Board's application of these Rules and Regulations to the case now before the agency, was arbitrary and capricious, and therefore, violated the Administrative Procedure Act. See 5 U.S.C. § 706; see also Motor Vehicle Manufacturers Association v. State Farm Mutual Automobile Insurance Company, 463 U.S. 29 (1983).

Dated: Mount Pleasant, South Carolina  
December 13, 2017

Respectfully Submitted,

A handwritten signature in cursive script, reading "Kaitlin A. Kaseta". The signature is written in dark ink and is positioned above a horizontal line.

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Counsel for the Employer

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**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 31**

**RADNET MANAGEMENT, INC. D/B/A  
SAN FERNANDO VALLEY INTERVENTIONAL  
RADIOLOGY AND IMAGING CENTER**

**Employer/Petitioner**

**and**

**Case 31-RM-209388**

**NATIONAL UNION OF HEALTHCARE  
WORKERS (NUHW)**

**Union**

**PARTIAL DECISION ON OBJECTIONS AND NOTICE OF HEARING**

Pursuant to a Stipulated Election Agreement, a manual election was conducted on December 6, 2017 in a unit consisting of full-time, regular part-time, and per diem Technical employees of the Employer at its facility located 16311 Ventura Blvd., Suite 120, Encino, CA 91436. The revised tally of ballots showed that of the approximately six eligible voters, four cast ballots for the Union and two cast ballots against representation. There was one challenged ballot and no void ballots. The challenged ballot was not determinative. Therefore, the Union received a majority of the votes.

On December 13, 2017, the Employer timely filed eight objections. A copy of the Employer's Objections to the December 6, 2017 Election is attached. I have considered the Employer's objections and offer of proof. As the Board recently noted, "[an] objecting party has the duty of furnishing evidence or a description of evidence that, if credited at a hearing, would warrant setting aside the election." *Jacmar Food Service Distribution*, 365 NLRB No. 35, fn.2 (2017). For the reasons discussed below, I find that the Employer's offer of proof is insufficient to sustain Objections 1, 3, 4, 5, 6, 7, and 8. Accordingly, I am overruling those objections. With respect to Objection 2, I find that it raises substantial and material issues of fact that can best be resolved on the basis of record testimony taken at hearing. Accordingly, I am setting Objection 2 for a hearing.

**I. THE EMPLOYER'S OBJECTIONS**

**a. Objection 1**

The Union failed to disclose to eligible voters the Union's affiliation with the International Association of Machinists and Aerospace Workers (hereafter, "IAMAW"), an agent of the Union, and by such omission, engaged in a material misrepresentation regarding the Union's proposed representation of employees that was sufficiently egregious so as to require the setting aside of the election. A

new election should be conducted wherein employees are apprised of the true nature and composition of the collective bargaining representative involved in the election.

In support of Objection 1, the Employer states in its offer of proof that it would call its Vice President of Southern California Operations to testify that a man named Ryan acted on behalf of the Union throughout the course of the pre-election conference and vote count. The Employer asserts that it would submit documentary evidence and subpoena Union representatives to establish that Ryan is an IAMAW Organizer and that IAMAW is affiliated with the Union. The Employer further asserts that it would also introduce evidence demonstrating that bargaining unit employees should have been informed of any affiliation between the Union and IAMAW, including presenting evidence that (i) IAMAW organizers are awarded cash incentives for organizing employees, (ii) IAMAW has been accused of engaging in unfair labor practices, and (iii) IAMAW has engaged in strikes. The Employer would also call employees to testify as to whether they would consider such information material to their decision to be represented by the Union.

The Employer's proffered evidence in support of Objection 1 would not constitute grounds for setting aside the election if introduced at a hearing. As an initial matter, the Employer's offer of proof is insufficient to establish an affiliation between the Union and IAMAW. Even if the Employer established an affiliation, the proffered evidence is insufficient to set aside the election. The Employer contends that by failing to inform and/or disclose to employees an affiliation between the Union and IAMAW, it engaged in a material misrepresentation. The Board does not probe into the truth or falsity of parties' campaign statements and will not set aside an election on the basis of misleading campaign statements, except in cases of forgery that preclude employees from recognizing campaign propaganda for what it is or cases where propaganda involves the misuse of the Board's election process. See *Midland Nat'l Life Ins. Co.*, 263 NLRB 127, 131-133 (1982). Thus, even if this alleged omission was sufficient to be considered a material misrepresentation, under *Midland* and its progeny, there is no evidence of forgery or the misuse of the Board's election process that would warrant setting aside the election. See *Id.*; *Durham Sch. Servs.*, 360 NLRB 851 (2014) (and cases cited therein).

Finally, although the Board will set aside elections conducted under circumstances that created serious doubt over whether the employees knew which labor organization their vote addressed, there is no evidence demonstrating such confusion in this case. See *Pac. Sw. Container*, 283 NLRB 79 (1987) (setting aside an election in which the ballot contained the name of a local union that no longer existed as the result of a merger); *The Humane Soc'y for Seattle/King Cnty.*, 356 NLRB 32 (2010) (setting aside election where the Board found strong evidence of employee confusion over the identity of the organization seeking representative status).

I, therefore, overrule Objection 1.



**b. Objection 2**

The Union's and/or IAMAW's conduct during the organizing campaign, specifically, upon information and belief, the Union's and/or IAMAW's harassment of the Employer and eligible voters by its involvement in the filing of false police reports against facilities operated by RadNet Management, Inc. and against employees of RadNet Management, Inc., was sufficiently egregious so as to require the setting aside of the election, and the conduct of a new election in the Technical Unit.

In support of Objection 2, the Employer proffers that it would call three Site Managers and two employees who work at other facilities operated by the Employer to testify that, during the course of the Union's organizing campaign, they each voiced opposition to the Union's organizing campaign and/or refused to engage with the Union and that as a result, false police reports were filed against them. According to the Employer, the Site Managers would testify that false police reports were filed against them or their facility on six separate occasions between October 24, 2017 and November 27, 2017. One employee would testify that she would not commit to supporting the Union during the organizing campaign and that the Los Angeles Police Department (LAPD) was summoned to her home in response to false reports of domestic disturbances on October 26, 2017, November 9, 2017, and November 12, 2017. Another employee would testify that after she stopped responding to text messages from the Union, the LAPD was summoned to her home in response to a false report of a domestic disturbance on November 24, 2017. The Employer also intends to issue subpoenas to the Union in order to present further documentary evidence showing the Union's involvement with these false police reports and intends to present information that it has requested from the LAPD.<sup>1</sup>

The Employer states that the testimonial evidence will establish that all of the witnesses were concerned and intimidated by the ongoing false police reports filed against them and that they discussed these false reports with managers and employees of other facilities operated by the Employer, including the facility at issue in this case.<sup>2</sup> Therefore, according to the Employer, the evidence will establish that employees in the bargaining unit at issue were aware of false police reports being filed against individuals who refused to support and/or communicate with the Union.

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<sup>1</sup> Contemporaneously with its offer of proof, the Employer filed a Motion for an Extension of Time to File Supplemental Offer of Proof Accompanying Objections to the December 6, 2017 election. The Acting Regional Director denied the Employer's request because there was insufficient good cause shown to warrant an extension of time.

<sup>2</sup> The Employer's facility at issue in this case is located at San Fernando Valley Interventional Radiology and Imaging Center located at 16311 Ventura Blvd., Suite 120, Encino CA 91436.

Here, the Employer presented no evidence to establish that the Union and its agents were responsible for the alleged filing of these police reports. However, the question of whether the alleged filing of police reports against individuals who refused to support and/or communicate with the Union was "so aggravated as to create a general atmosphere of fear and reprisal rendering a free election impossible," see *Westwood Horizons Hotel*, 270 NLRB 802, 803 (1984), raises substantial and material issues of fact that can best be resolved on the basis of record testimony taken at hearing.

I, therefore, will set Objection 2 for a hearing.

**c. Objection 3**

The Board Agent erred by failing and/or refusing to designate and police a "no electioneering zone" at the polling place during the election. Because the Board Agent failed to fulfill the Board's obligation to ensure that no electioneering occurred in a "no electioneering zone," the Board Agent's error requires the setting aside of the election, and the conduct of a new election.

In support of Objection 3, the Employer would request to subpoena the Board agent who conducted the election and would call the Employer's designated employee observer to testify. The Employer's designated employee observer would testify that the Board agent stated that the Board does not designate a no-electioneering area and that the door to the room where the election was held remained open only three inches during the course of the election, thereby preventing the parties inside the room from observing and/or policing what was happening outside the door to the polling place.

The Employer's proffered evidence in support of Objection 3 would not constitute grounds for setting aside the election if introduced at a hearing. Importantly, the Employer does not allege unlawful electioneering. Rather, the Employer merely alleges that the Board agent failed to designate and police a no-electioneering area. The mere failure to designate a specific no-electioneering area, standing alone, is not a sufficient basis to set aside an election. See NLRB Case Handling Manual (Part Two) Section 11318 ("A no-electioneering area *may be designated*") (emphasis added); see also *Bally's Park Place, Inc.*, 265 NLRB 703 (1982) (holding that when a Board agent does not designate a specific no-electioneering area, the Board's rules against electioneering apply to the area "at or near the polls.")

I, therefore, overrule Objection 3.

**d. Objection 4**

The Board Agent erred by misrepresenting to the one employee who voted subject to challenge that his ballot would, in all circumstances, remain a secret ballot. The Board Agent erred by failing to instruct the employee who voted subject to challenge that, in some circumstances, his ballot would not be confidential and his

vote would not be by a "secret ballot." This fundamental infirmity in the Board's process of facilitating a challenged ballot must be cured, and a new election should be conducted pursuant a revised challenge ballot process.

In support of Objection 4, the Employer would request to subpoena the Board agent who conducted the election and would call the Employer's designated employee observer to testify. The Employer's designated employee observer would testify that during the course of the election, a challenged voter entered the polling area and provided his name to the Board agent. After doing so, the Board agent allegedly advised this individual that his vote would still be by secret ballot and that if his vote was going to be counted, it would first be mixed in with the other ballots from the election. According to the Employer, the testimony would show that this individual was not advised that in certain circumstances his vote would no longer be cast via secret ballot.

The Employer's proffered evidence in support of Objection 4 would not constitute grounds for setting aside the election if introduced at a hearing. When determining whether to set aside an election on the basis of Board agent conduct, "the Board goes to great lengths to ensure that the manner in which an election was conducted raises no reasonable doubt as to the fairness and validity of the election." *Jakel, Inc.*, 293 NLRB 615, 616 (1989) (citing *Polymers, Inc.*, 174 NLRB 282 (1969)). There is no per se rule requiring that an election be set aside following any procedural irregularity. *St. Vincent Hospital, LLC*, 344 NLRB 586, 587 (2005) (internal citations omitted). The Board requires more than speculation of harm and will set aside an election only if the irregularity is sufficient to raise a reasonable doubt as to its fairness and validity. *J. C. Brock Corp.*, 318 NLRB 403, 404 (1995) (internal citations omitted); *Polymers*, 174 NLRB at 282. Further, the burden is on the objecting party to show specific evidence of prejudice to an election. *Affiliated Computer Servs., Inc.*, 355 NLRB 899, 900 (2010).

Here, the Board agent's alleged instruction did not prevent a party from challenging a determinative ballot, did not exclude any individuals from voting, and there is no allegation that the Board agent failed to follow the proper procedure for handling the challenged ballots. Cf. *Harry Lunstead Designs Inc.*, 270 NLRB 1163 (1984) (election overturned where Board agent's erroneous instruction caused observer not to challenge determinative ballot); *B & B Better Baked Foods*, 208 NLRB 493 (1974) (new election ordered where votes of those excluded from voting because of Board agent's conduct could have been determinative); *Paprikas Fono*, 273 NLRB 1326 (1984) (finding that the handling of challenged ballots after the election gave rise to doubts concerning whether they had been adequately protected from tampering, a matter bearing on the election's validity). Moreover, the Employer's proffered evidence does not demonstrate that the Board agent's instruction affected the integrity of the voting process or may have affected the results of the election. See *Polymers*, supra; see also *Laidlaw Transit, Inc.*, 327 NLRB 315, 315 (1998) (where a procedural impropriety may have affected the results of an election, the Board will order a second election). In addition, while not dispositive, the fact that the challenged ballot was not determinative in this case further supports a finding that there is no specific evidence of prejudice. Even if the individual's vote was made known to the parties, that would be insufficient

to warrant a new election because the fact that "a voter's identity may be publicly known as an unavoidable result of the challenge procedure, does not invalidate his vote in the determination of the election results." *Marie Antoinette Hotel*, 125 NLRB 207, 208 (1959).

I, therefore, overrule Objection 4.

**e. Objection 5**

The Board Agent erred by permitting the Union's observer to utilize a writing implement while the polls were open to make marks on and in written materials in the Union's observer's possession during the polling period.

In support of Objection 5, the Employer would request to subpoena the Board agent who conducted the election and would call the Employer's designated employee observer to testify. The Employer's designated employee observer would testify that during the polling period, the Union's observer was allowed to utilize a highlighter to make markings in a study guide and continued making markings in the study guide during the course of the election, even when employees entered and exited to cast their votes. The Employer's observer would also testify that no one reviewed the study guide after the election to ensure that the Union's observer had not maintained a list of the employees who voted.

The Employer's proffered evidence in support of Objection 5 would not constitute grounds for setting aside the election if introduced at a hearing. Although the Board, in general, finds keeping any voting list other than the official voter list to be objectionable, "list keeping" is a basis for a new election only when it can be shown or inferred from the circumstances that employees knew their names were being recorded. *Piggly-Wiggly #011*, 168 NLRB 792 (1967); see also *Chrill Care, Inc.*, 340 NLRB 1016, 1016 (2003) ("the Board generally does not find such list making coercive in the absence of evidence that employees knew their names were being recorded"). Here, there is no evidence that the Union observer actually kept a list of names in the study guide with the highlighter. Even if there was evidence that the Union observer kept such a list, the Employer failed to proffer evidence that the employees knew that their names were being recorded or that it can be inferred from the circumstances that they knew their names were being recorded.

I, therefore, overrule Objection 5.

**f. Objection 6**

The Board erred by conducting an election in the Technical Unit where the Union failed to disclose to employees during the Union's organizing campaign a material affiliation with the IAMAW, an agent of the Union. As a result, a new election should be conducted, wherein employees are apprised of the true nature and composition of the collective bargaining representative involved in the election.

In support of Objection 6, the Employer proffers the same evidence as set forth above in support of Objection 1. As discussed above, even if this alleged omission were sufficient to be considered a material misrepresentation, under *Midland National Life Ins. Co.*, 263 NLRB at 131-133, and its progeny, it would not be sufficient to set aside the election because there is no evidence of forgery or the misuse of the Board's election process. Moreover, there is no evidence of circumstances that created serious doubt over whether the employees knew which labor organization their vote addressed. See *Pac. Sw. Container*, 283 NLRB 79 (1987); *The Humane Soc'y for Seattle/King Cnty.*, 356 NLRB 32 (2010).

I, therefore, overrule Objection 6.

**g. Objection 7**

The Board erred by conducting the election in violation of Section 9(b)(3) of the National Labor Relations Act.

In support of Objection 7, the Employer would present its Medical and Health Physicist to testify that certain employees in the bargaining unit are "guards" within the meaning of Section 9(b)(3) of the National Labor Relations Act (the Act). The Employer asserts that the Medical and Health Physicist's testimony would show that the MRI Technologists and Multi-Modality Technologists are guards under the Act because they are the only employees tasked with maintaining the security of certain portions of the Employer's premises, namely the two zones that surround the MRI machine. In addition, the evidence would purportedly show these Technologists strictly police entry to the room containing the MRI machine, enforce security of the room, and have the authority to forcibly remove people from the room or the general area if it is required for the safety of employees, visitors, and patients. In addition, the Employer would show that these Technologists must protect employees, visitors, and patients to the facility from the effects of a malfunctioning MRI machine, which could be hazardous. For example, if the machines get too hot, they can explode and these Technologists are authorized to take several safety precautions in such an event, from cancelling patients, to clearing a room, or even evacuating a facility.

The Employer's proffered evidence in support of Objection 7 would not constitute grounds for setting aside the election if introduced at a hearing. This election was conducted pursuant to a Stipulated Election Agreement wherein the Employer agreed that the appropriate unit consisted of full-time, regular part-time, and per diem Technical employees at this facility. The Employer had an opportunity to object to the inclusion of these two types of Technologists in a timely manner and failed or declined to do so. On this basis alone, I overrule this objection.

However, even if the Employer properly raised the Section 9(b)(3) issue, the proffered evidence is insufficient to establish that these Technologists would be considered guards under the Act. Section 9(b)(3) of the Act defines a guard as "any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises." Employees who perform some guard-

like duties that are “incidental” to their other duties are not guards under Section 9(b)(3). *Wolverine Dispatch, Inc.*, 321 NLRB 796, 798 (1996); *55 Liberty Owners Corp.*, 318 NLRB 308 (1995). In determining whether an individual is a guard under the Act, the Board looks to various facts, including, but not limited to, the duties of the employees and the employer’s operations; whether the employees carry weapons, clubs or other security-type devices; whether the employees wear distinct uniforms or other paraphernalia identifying them as being security or guard personnel; whether the employees are given any specialized training or instruction; where the employees are physically situated; whether the employees are informed to take certain actions if they witness suspicious activity on the premises; whether the employees enforce any rules regarding the employer’s property, employees or other persons; whether the employees make periodic rounds of the premises; whether the employees monitor the entrance and exit of persons at the premises; whether the employees activate/deactivate security devices; whether the employees have keys or other means to provide them access to secured or restrict access areas; whether the employees are required to fill out incident reports; whether the employees are bonded, deputized, or are subjected to heightened security processes at the time of hire; whether the employees have separate supervision; and whether the employees have different terms and conditions of employment.

An objecting employer is only entitled to an evidentiary hearing when its offer of proof describes facts that, if credited, would warrant setting aside the election results under the applicable substantive standard. *Amalgamated Clothing Workers of Am.*, 424 F.2d 818, 828 (D.C. Cir. 1970). To show that a hearing is required, the offer of proof must include “specific evidence to specific events from or about specific people.” *Id.* That standard cannot be satisfied by “nebulous and declaratory assertions.” *Id.* As the Board recently noted, “[an] objecting party has the duty of furnishing evidence or a description of evidence that, if credited at a hearing, would warrant setting aside the election.” *Jacmar Food Service Distribution*, 365 NLRB No. 35, fn.2 (2017). Here, the Employer’s proffered evidence lacks specificity. The Employer’s offer of proof does not indicate any intent to call any employee employed as one of these Technologists; rather, it would call a Medical and Health Physicist to testify about the job duties of these Technologists. Furthermore, the proffered testimony of the Medical and Health Physicist includes generalized and declaratory assertions without “specific evidence to specific events from or about specific people.” It includes descriptions of *potential* hazardous malfunctions and what the Technologists *could* do in those situations, but it does not include any evidence suggesting that any of the described situations have actually occurred. The offer of proof lacks “specific evidence to specific events from or about specific people.”

Moreover, even if these Technologists engaged in the broad duties described in the proffered testimony (i.e., policed entry into certain rooms or maintained security of the zone around the MRI machines), the Employer failed to provide any evidence indicating that these duties are more than “incidental” to their other duties. See *55 Liberty Owners Corp.*, 318 NLRB 308 (1995) (the Board held that doorpersons and elevator operators in condominium buildings were not guards within the meaning of Section 9(b)(3) of the Act even though the employees monitored and regulated access into the building, denied entry to unauthorized persons, received

deliveries, and observed and reported irregularities; the Board found that any guard-like job duties were incidental to the doorpersons' and elevator operators' primary function of providing courtesy oriented and receptionist-type services to building tenants). There is also no evidence that these Technologists protect the property of the Employer from theft. C.f. *Stern's, Paramus*, 150 NLRB 799, fn. 48 (1965) (holding that fitting room checkers tasked with limiting the number of garments allowed per customer in a fitting room were guards because they enforced rules to protect the property of the employer from theft).

The Employer also fails to proffer any evidence indicating that the inclusion of these Technologists in the bargaining unit would present conflicting loyalties during a period of industrial unrest and strikes. See *Lion Country Safari*, 225 NLRB 969, 970 (1976) ("the Board stated that the separation of guards and other employees for the purpose of union representation was intended to avoid conflicting loyalties during a period of industrial unrest and strikes.")

I, therefore, overrule Objection 7.

#### **h. Objection 8**

The Board erred by conducting the election pursuant to the Board's revised election rules, which violate the National Labor Relations Act, the Administrative Procedure Act, and the public policy considerations underlying a number of other federal statutes. Consequently, the election should be set aside, and a new election should be conducted pursuant to election rules which comport with all applicable law.

In support of Objection 8, the Employer would argue in its brief that the Board's Final Rule entitled "Representation – Case Procedures" 29 C.F.R. Parts 101, 102, 103, 79 Fed.Reg. 74,308 (Dec. 15, 2014) (hereafter the Final Rule) is facially invalid and is invalid as-applied. The Employer would argue that the Final Rule's requirement that the Employer provide the Union with employees' personal information violated Section 7 and 9(b) of the Act, as amended, as well as the Administrative Procedure Act (APA), and that the disclosure of personal information undermined the public policy considerations underlying various federal statutes. The Employer would also argue that the Final Rule has created a "quickie election" process that ignores Congressional intent. Finally, the Employer would argue that the "quickie election" process abridged its rights under Section 8(c) of the Act and violated the APA, and that the Board's implementation and application of the Final Rule to this case was arbitrary and capricious, in violation of the APA.

The Employer's proffered evidence in support of Objection 8 would not constitute grounds for setting aside the election if introduced at a hearing. This election was conducted pursuant to a Stipulated Election Agreement. The Employer had an opportunity to object in a timely manner and failed or declined to do so.

Even assuming the Employer had objected in a timely manner, all of the Employer's facial objections to the Final Rule are substantially repetitive of arguments made in facial challenges to the Final Rule that have been successfully litigated to conclusion by the Agency in federal court and/or they were fully answered in the Board's justification for the Final Rule, as set forth in the Federal Register. See Representation—Case Procedures, 79 Fed. Reg. 74308 - 74430 (Dec. 15, 2014); see also *Associated Builders & Contractors of Texas, Inc. v. NLRB*, No. 1:15-CV-026 RP, 2015 WL 3609116, at \*11 (W.D. Tex. June 1, 2015) (concluding that the Plaintiffs failed to show the Final Rule, on its face, is in violation of the Act or the APA), *aff'd*, 826 F.3d 215, 223-26 (5th Cir. 2016); *Chamber of Commerce of the United States v. NLRB*, 118 F.Supp.3d 171 (D.D.C. 2015); *Baker DC, LLC v. NLRB*, 1:15-cv-00571 (D.C. Cir. 2015); see also *Pulau Corp.*, 363 NLRB No. 8 (2015).

With respect to the Employer's assertion that the new Rules are invalid as-applied in this case, the Employer offers mere conclusory statements without any facts specific to the case at hand and its offer of proof is, therefore, insufficient to warrant a hearing.

I, therefore, overrule Objection 8.

## II. CONCLUSION AND ORDER

Based on the foregoing, I overrule Objections 1, 3, 4, 5, 6, 7, and 8. However, with respect to Objection 2, I have concluded that the evidence described in the offer of proof submitted by the Employer/Petitioner accompanying its objections could be grounds for overturning the election if introduced at a hearing. Accordingly, in accordance with Section 102.69(c)(1)(ii) of the Board's Rules and Regulations, IT IS ORDERED THAT a hearing be held before a Hearing Officer designated by me, for the purpose of receiving evidence to resolve the issues raised by Objection 2. At the hearing, the parties will have the right to appear in person to give testimony, and to examine and cross-examine witnesses.

Upon the conclusion of the hearing, the Hearing Officer shall submit to me and serve on the parties a report containing resolution of the credibility of witnesses, findings of fact, and recommendation as to the disposition of Objection 2.

## NOTICE OF HEARING

Starting at 9:00 a.m. on Thursday, January 25, 2018, in a hearing room located at National Labor Relations Board, Region 31, the hearing on Objection 2, as described above, will be conducted before a hearing officer of the National Labor Relations Board. The hearing will continue on consecutive days thereafter until completed unless I determine that extraordinary circumstances warrant otherwise.


### RIGHT TO REQUEST FOR REVIEW

Pursuant to Section 102.69(c)(2) of the Board's Rules and Regulations, any party may file with the Board in Washington, DC, a request for review of this decision as it pertains to the objections that are overruled. The request for review must conform to the requirements of Sections 102.67(e) and (i)(1) of the Board's Rules and may be filed with the Board at any time following the issuance of this Decision until 14 days after a final disposition of the proceeding by the Regional Director.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to [www.nlrb.gov](http://www.nlrb.gov), select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the Request for Review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.



January 12, 2018

  
MORI RUBIN  
Regional Director, Region 31  
National Labor Relations Board

**UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 31**

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RADNET MANAGEMENT, INC D/B/A  
SAN FERNANDO VALLEY INTERVENTIONAL  
RADIOLOGY AND IMAGING CENTER

31-RM-209388

*and*

NATIONAL UNION OF HEALTHCARE WORKERS

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**EMPLOYER'S OBJECTIONS TO THE  
DECEMBER 6, 2017 ELECTION**

Pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (hereafter, the "Board"), as amended, RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (hereafter, "SFI" or the "Employer") hereby submits the below Objections relative to the election held in the above-captioned matter in Encino, California on December 6, 2017 in a unit consisting of assorted technical classifications (hereafter, the "Technical Unit"). The results of the election, as recorded on the Tally of Ballots and the Amended Tally of Ballots issued by the Board, were four votes cast for the National Union of Healthcare Workers (hereafter, "NUHW" or the "Union"), and two votes cast against the Union, in a unit of approximately six eligible voters. The tally of ballots reflects that there was one challenged

ballot cast during the election, which was determined by the Board to be insufficient in number to affect the outcome of the election.

OBJECTIONS TO CONDUCT AFFECTING  
THE RESULTS OF THE ELECTION

- (1) The Union failed to disclose to eligible voters the Union's affiliation with the International Association of Machinists and Aerospace Workers (hereafter, "IAMAW"), an agent of the Union, and by such omission, engaged in a material misrepresentation regarding the Union's proposed representation of employees that was sufficiently egregious so as to require the setting aside of the election. A new election should be conducted wherein employees are apprised of the true nature and composition of the collective bargaining representative involved in the election.
- (2) The Union's and / or IAMAW's conduct during the organizing campaign, specifically, upon information and belief, the Union's and / or IAMAW's harassment of the Employer and eligible voters by its involvement in the filing of false police reports against facilities operated by RadNet Management, Inc. and against employees of RadNet Management, Inc., was sufficiently egregious so as to require the setting aside of the election, and the conduct of a new election in the Technical Unit.

### OBJECTIONS TO THE CONDUCT OF THE ELECTION

- (3) The Board Agent erred by failing and / or refusing to designate and police a "no electioneering zone" at the polling place during the election. Because the Board Agent failed to fulfill the Board's obligation to ensure that no electioneering occurred in a "no electioneering zone", the Board Agent's error requires the setting aside of the election, and the conduct of a new election.
- (4) The Board Agent erred by misrepresenting to the one employee who voted subject to challenge that his ballot would, in all circumstances, remain a secret ballot. The Board Agent erred by failing to instruct the employee who voted subject to challenge that, in some circumstances, his ballot would not be confidential and his vote would not be by a "secret ballot". This fundamental infirmity in the Board's process of facilitating a challenged ballot must be cured, and a new election should be conducted pursuant a revised challenge ballot process.
- (5) The Board Agent erred by permitting the Union's observer to utilize a writing implement while the polls were open to make marks on and in written materials in the Union's observer's possession during the polling period.

- (6) The Board erred by conducting an election in the Technical Unit where the Union failed to disclose to employees during the Union's organizing campaign a material affiliation with the IAMAW, an agent of the Union. As a result, a new election should be conducted, wherein employees are apprised of the true nature and composition of the collective bargaining representative involved in the election.
- (7) The Board erred by conducting the election in violation of Section 9(b)(3) of the National Labor Relations Act.
- (8) The Board erred by conducting the election pursuant to the Board's revised election rules, which violate the National Labor Relations Act, the Administrative Procedure Act, and the public policy considerations underlying a number of other federal statutes. Consequently, the election should be set aside, and a new election should be conducted pursuant to election rules which comport with all applicable law.

Dated: Mount Pleasant, South Carolina  
December 13, 2017

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Kaitlin A. Kaseta".

Kaitlin A. Kaseta, Esq.  
Counsel for the Employer  
415 King Street

Mount Pleasant, SC 29464

(860) 307-3223

(843) 284-9684

[kkaseta@carmodyandcarmody.com](mailto:kkaseta@carmodyandcarmody.com)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 31

---

RADNET MANAGEMENT, INC D/B/A  
SAN FERNANDO VALLEY INTERVENTIONAL  
RADIOLOGY AND IMAGING CENTER

31-RM-209388

*and*

NATIONAL UNION OF HEALTHCARE WORKERS

---

**CERTIFICATE OF SERVICE**

The Undersigned, Kaitlin A. Kaseta, Esq., being an Attorney duly admitted to the practice of law, certifies, pursuant to 28 U.S.C. § 1746, that the Employer's Objections to the December 6, 2017 Election were e-filed this date through the website of the National Labor Relations Board ([www.nlr.gov](http://www.nlr.gov)). The Undersigned does hereby further certify that a copy of the Employer's Objections to the December 6, 2017 Election were served this date upon the following by email:

Florice Hoffman  
Law Office of Florice Hoffman, L.C.  
8502 E. Chapman Avenue, Suite 353  
Orange, CA 92869-2461  
[fhoffman@socal.rr.com](mailto:fhoffman@socal.rr.com)

Ryan Carrillo  
IAMAW Local District Lodge 725  
5402 Bolsa Avenue

Huntington Beach, CA 92649  
rcarrillo@iam725.org

Dated: Mount Pleasant, South Carolina  
December 13, 2017

Respectfully Submitted,

A handwritten signature in cursive script that reads "Kaitlin A. Kaseta". The signature is written in dark ink and is positioned above a horizontal line.

Kaitlin A. Kaseta, Esq.  
Counsel for the Employer  
415 King Street  
Mount Pleasant, SC 29464  
(860) 307-3223  
(843) 284-9684  
[kkaseta@carmodyandcarmody.com](mailto:kkaseta@carmodyandcarmody.com)

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 31**

**RADNET MANAGEMENT, INC. d/b/a  
SAN FERNANDO INTERVENTIONAL  
RADIOLOGY AND IMAGING CENTER**

**Employer/Petitioner**

**and**

**Case 31-RM-209388**

**NATIONAL UNION OF HEALTHCARE  
WORKERS (NUHW)**

**Union**

**AFFIDAVIT OF SERVICE OF: Partial Decision on Objections and Notice of Hearing,  
dated January 12, 2018**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on January 12, 2018, I served the above documents by electronic mail and regular mail upon the following persons, addressed to them at the following addresses:

Brian Carmody, Attorney  
Carmody & Carmody LLP  
134 Evergreen Lane  
Glastonbury, CT 06033  
[bcarmody@carmodyandcarmody.com](mailto:bcarmody@carmodyandcarmody.com)

Kaitlin A. Kaseta, Esquire  
Law Offices of Don T. Carmody  
415 King Street  
Mount Pleasant, SC 29464  
[kkaseta@carmodyandcarmody.com](mailto:kkaseta@carmodyandcarmody.com)

Florice Hoffman, Attorney  
Law Office of Florice Hoffman  
8502 East Chapman Avenue, Suite 353  
Orange, CA 92869-2461  
[fhoffman@socal.rr.com](mailto:fhoffman@socal.rr.com)

January 12, 2018

Date

Roxanne Robinson,  
Designated Agent of NLRB

Name

  
Signature

## SUBPOENA

E. Ex. 1

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARDTo Sophia Mendoza, 225 W. Broadway, Suite 155, Glendale, CA 91204As requested by RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Centerwhose address is 16311 Ventura Blvd., Suite 120, Encino, CA 91436  
(Street) (City) (State) (ZIP)YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE a Hearing Officer  
\_\_\_\_\_ of the National Labor Relations Boardat 11500 W. Olympic Blvd., Suite 600in the City of Los Angeles, CAon January 29, 2018 at 9:00 am or any adjournedor rescheduled date to testify in RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (31-RM-209388) and RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (31-RM-209424)  
(Case Name and Number)

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R. Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

A-1-ZP9J8Z

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

Issued at Los Angeles, CADated: January 17, 2018

 A handwritten signature of Marvin Kaplan in dark ink.
   
Marvin Kaplan, Chairman

**NOTICE TO WITNESS.** Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is mandatory in that failure to supply the information may cause the NLRB to seek enforcement of the subpoena in federal court.

A-1-ZP9J8Z

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- (Check method used.)
- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☐ by leaving copy at principal office or place of business at

on the named person on

(Month, day, and year)

(Name of person making service)

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

**SUBPOENA****UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**To Sophia Mendoza, 225 W. Broadway, Suite 155, Glendale, CA 91204As requested by RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Centerwhose address is 14860 Roscoe Blvd., Suite 101, Panorama City, CA 91402

(Street)

(City)

(State)

(ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE a Hearing Officer

of the National Labor Relations Board

at 11500 W. Olympic Blvd., Suite 600in the City of Los Angeles, CAon January 29, 2018at 9:00 am

or any adjourned

RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology  
and Imaging Center (31-RM-209388) and RadNet Management, Inc. d/b/a San  
Fernando Valley Advanced Imaging Center (31-RM-209424)  
(Case Name and Number)

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R. Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

**A-1-ZPAIAN**

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

Issued at Los Angeles, CADated: January 17, 2018

*Marvin Kaplan*  
Marvin Kaplan, Chairman

**NOTICE TO WITNESS.** Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

**PRIVACY ACT STATEMENT**

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**SUBPOENA****UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**To Custodian of Records, National Union of Healthcare Workers, 225 W. Broadway, Suite 155, Glendale, CA 91204As requested by RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Centerwhose address is 14860 Roscoe Blvd., Suite 101, Panorama City, CA 91402  
(Street) (City) (State) (ZIP)YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE a Hearing Officer  
\_\_\_\_\_ of the National Labor Relations Boardat 11500 W. Olympic Blvd., Suite 600in the City of Los Angeles, CAon January 29, 2018at 9:00 am or any adjournedRadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology  
and Imaging Center (31-RM-209388) and RadNet Management, Inc. d/b/a San  
Fernando Valley Advanced Imaging Center (31-RM-209424)  
or rescheduled date to testify in \_\_\_\_\_  
(Case Name and Number)

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R. Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

**A-1-ZPADXF**

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

Issued at Los Angeles, CADated: January 17, 2018A handwritten signature in dark ink, appearing to read "Marvin Kaplan".  
Marvin Kaplan, Chairman

**NOTICE TO WITNESS.** Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is mandatory in that failure to supply the information may cause the NLRB to seek enforcement of the subpoena in federal court.

A-1-ZPADXF

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- ☐ by person  
☐ by certified mail  
☐ by registered mail  
☐ by telegraph  
☐ by leaving copy at principal office or place of business at
- (Check method used.)

on the named person on

(Month, day, and year)

(Name of person making service)

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

**SUBPOENA****UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**To Custodian of Records, National Union of Healthcare Workers, 225 W. Broadway, Suite 155, Glendale, CA 91204As requested by RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Centerwhose address is 16311 Ventura Blvd., Suite 120, Encino, CA 91436

(Street)

(City)

(State)

(ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE a Hearing Officer

\_\_\_\_\_ of the National Labor Relations Board

at 11500 W. Olympic Blvd., Suite 600in the City of Los Angeles, CAon January 29, 2018at 9:00 am

or any adjourned

RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology  
and Imaging Center (31-RM-209388) and RadNet Management, Inc. d/b/a San  
Fernando Valley Advanced Imaging Center (31-RM-209424)  
or rescheduled date to testify in \_\_\_\_\_  
(Case Name and Number)

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R. Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

**A-1-ZP9EW1**

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

Issued at Los Angeles, CADated: January 17, 2018

*Marvin Kaplan*  
Marvin Kaplan, Chairman

**NOTICE TO WITNESS.** Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

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on the named person on

(Month, day, and year)

(Name of person making service)

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

**SUBPOENA DUCES TECUM****UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**To Sophia Mendoza, 225 W. Broadway, Suite 155, Glendale, CA 91204As requested by RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Centerwhose address is 14860 Roscoe Blvd., Suite 101, Panorama City, CA 91402

(Street)

(City)

(State)

(ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE

a Hearing Officer

of the National Labor Relations Board

at 11500 W. Olympic Blvd., Suite 600in the City of Los Angeleson January 29, 2018at 9:00 am

or any adjourned

or rescheduled date to testify in RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (31-RM-209388) and RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (31-RM-209424)

(Case Name and Number)

And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence, and documents:

SEE ATTACHMENT

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**B-1-ZPBD7F**

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

Issued at Los Angeles, CADated: January 17, 2018

 A handwritten signature of Marvin Kaplan.
   
Marvin Kaplan, Chairman

**NOTICE TO WITNESS.** Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is mandatory in that failure to supply the information may cause the NLRB to seek enforcement of the subpoena in federal court.

B-1-ZPBD7F

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on the named person on

(Month, day, and year)

(Name of person making service)

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 31

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RADNET MANAGEMENT, INC. D/B/A  
SAN FERNANDO VALLEY ADVANCED  
IMAGING CENTER

Petitioner

*and*

NATIONAL UNION OF HEALTHCARE WORKERS

Labor Organization

---

:  
: Case No.  
:  
: 31-RM-209424  
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**ATTACHMENT TO SUBPOENA DUCES TECUM NO. B-1-ZPBD7F**

By service of Subpoena *Duces Tecum* No. B-1-ZPBD7F, RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (hereafter, "RadNet") hereby seeks production of all requested documents within your possession, custody or control without regard to who has physical possession of them or who prepared the documents, and wherever retained.

Documents produced should be grouped and in the order that they are maintained in the normal course, and should include all files and file labels in which the documents, and extra copies of them, are located.

For any document withheld on a claim of privilege and/or under the work-product doctrine or any other claimed immunity from production, identify the date, author, recipients, title, general nature and privilege and / or immunity claimed.

If additional documents are discovered that fall within the terms of this request, the additional items shall be produced immediately.

### **DEFINITIONS**

- 1.) "Documents," as used below, includes all material defined in Rule 34 of the Federal Rules of Civil Procedure, and are not limited to the specific examples listed, and further includes any written document of any nature whatsoever (*including but not limited to any emails or text messages*), any audio-tape, any video-tape, or any repository of any electronic data, such as computer hard drives or memory cards of portable communication devices.
- 2.) "Employee(s)," as used below, refers to the employees working out of any one or more of the facilities referenced by the Petition filed by the National Union of Healthcare Workers in Case No. 31-RC-208646. A copy of the Petition is attached hereto as "Exhibit A."
- 3.) "IAMAW," as used below, refers to the International Association of Machinists and Aerospace Workers, and / or any affiliated entity, including but not limited to the National Union of Healthcare Workers, together with

all current and former officers and employees thereof and any outside persons or entities retained to act on their behalf.

4.) The "Union," as used below, refers to the National Union of Healthcare Workers, and / or any affiliated entity, including but not limited to the International Association of Machinists and Aerospace Workers, together with all current and former officers and employees thereof and any outside persons or entities retained to act on their behalf.

5.) "You," as used below, refers to Ms. Sophia Mendoza.

#### **DOCUMENTS TO BE PRODUCED**

1.) Any and all documents, including but not limited to any e-mails or text messages, in which any Employee informs You that he or she, or some other Employee, is opposed to representation by the Union or prefers not to communicate with the Union about representation by the Union. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

2.) For the period October 1, 2017 to the present, any and all documents, including but not limited to phone records, that show, refer, evidence or relate to any communication by You or any Employee to the Los Angeles Police Department and / or any communication from the Los Angeles Police Department to You or any Employee.

- 3.) Any document sufficient to identify by full name, current work address and current home address any and all individuals who engaged in any activity in support of the Union's efforts to organize the Employees.
- 4.) Any and all documents, including but not limited to any e-mails or text messages, sent by You to any Employee in which You make any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.
- 5.) Any and all documents, including but not limited to any e-mails or text messages, sent by any Employee to You in which the Employee makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.
- 6.) Any and all documents, including but not limited to any e-mails or text messages, sent by You to the IAMAW, including but not limited to Mr. Ryan Carrillo, in which You make any reference to any police report that

may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

7.) Any and all documents, including but not limited to any e-mails or text messages, sent by the IAMAW, including but not limited to Mr. Ryan Carrillo, to You in which the IAMAW makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

# **EXHIBIT A**

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**RC PETITION**

DO NOT WRITE IN THIS SPACE  
Case No. **31-RC-208646** Date Filed **10/26/2017**

**INSTRUCTIONS:** Unless e-Filed using the Agency's website, [www.nlrb.gov](http://www.nlrb.gov), submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

**1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer  
**RadNet Inc. and Radnet Management Inc., Joint Employers**

2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code)  
**see attachment**

3a. Employer Representative - Name and Title  
**Christopher Catalano**

3b. Address (if same as 2b - state same)  
**18133 Ventura Blvd, Suite 100, Tarzana, CA 91356**

3c. Tel. No.  
**(818) 933-2020 ext 1261**

3d. Cell No.  
**(805) 750-1013**

3e. Fax No.

3f. E-Mail Address  
**chris.catalano@radnet.com**

4a. Type of Establishment (Factory, mine, wholesaler, etc.)  
**Healthcare facility**

4b. Principal product or service  
**Outpatient Imaging services**

5a. City and State where unit is located:  
**see attachment**

6a. Description of Unit Involved  
**Included: All full-time, and regular part-time, per diem RN and Technical employees, employed by the employer at its facilities in the San Fernando Valley Region listed in 2b.**  
**Excluded: All other employees, managers, confidential employees, guards, physicians, service, office clericals and supervisors as defined by the Act.**

6b. No. of Employees in Unit:  
**115**

6c. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes ☒ No ☐

Check One: ☒ 7a. Request for recognition as Bargaining Representative was made on (Date) **10/11/2017** and Employer declined recognition on or about **10/11/2017** (Date) (If no reply received, so state).

☐ 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent (if none, so state).  
**none**

8b. Address

8c. Tel. No.

8d. Cell No.

8e. Fax No.

8f. E-Mail Address

8g. Affiliation, if any

8h. Date of Recognition or Certification

8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)

9. Is there now a strike or picketing at the Employer's establishment(s) involved? **no** If so, approximately how many employees are participating? \_\_\_\_\_  
(Name of labor organization) \_\_\_\_\_, has picketed the Employer since (Month, Day, Year) \_\_\_\_\_

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)  
**none**

10a. Name

10b. Address

10c. Tel. No.

10d. Cell No.

10e. Fax No.

10f. E-Mail Address

11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election.

11a. Election Date(s):  
**11/7/17-11/21/17**

11b. Election Time(s):

11c. Election Location(s):

11d. Election Type: ☐ Manual ☒ Mail ☐ Mixed Manual/Mail

12a. Full Name of Petitioner (including local name and number)  
**National Union of Healthcare Workers**

12b. Address (street and number, city, state, and ZIP code)  
**5801 Christie Ave. Suite 525, Emeryville, CA 94608**

12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)  
**none**

12d. Tel. No.  
**(510) 834-2017**

12e. Cell No.

12f. Fax No.

12g. E-Mail Address

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title  
**Sophia Mendoza, Organizer**

13b. Address (street and number, city, state, and ZIP code)  
**225 W. Broadway, Suite 155, Glendale, CA 91204**

13c. Tel. No.


13d. Cell No.  
**(213) 280-0051**

13e. Fax No.  
**(818) 241-0141**

13f. E-Mail Address  
**smendoza@nuhw.org**

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print)  
**Flora Hoffman**

Signature  


Title  
**Attorney**

Date  
**10/24/17**

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

**PRIVACY ACT STATEMENT**

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# Radnet SFV RC petition Attachments:

Center	Address	City
Burbank Imaging X-Ray	3808 Riverside Dr., Ste. 120	Burbank, CA 91505
Burbank Breast Care Center	2601 W. Alameda Ave., Ste. 101	Burbank, CA 91505
Imaging Specialists of Burbank	1821 W. Olive Ave.	Burbank, CA 91506
Liberty Pacific Advanced Imaging Encino	16130 Ventura Blvd.	Encino, CA 91436
San Fernando Valley Interventional Radiology and Imaging Center	16311 Ventura Boulevard, Ste. 120	Encino, CA 91436
Imaging Specialists of Glendale	700 N. Central Avenue, Suite 100	Glendale, CA 91203
Marcia Ray Breastlink Women's Imaging Center	222 W. Eulalia Street	Glendale, CA 91204
San Fernando Valley Advanced Imaging Center	14860 Roscoe Blvd., Ste. 101	Panorama City, CA 91402
Imaging Specialists of Pasadena	630 S. Raymond Ave. Suite 210	Pasadena, CA 91105
Northridge Diagnostic Center – Walk-In X-Ray	8327 Reseda Blvd.	Reseda, CA 91325
Northridge Diagnostic Center	8227 Reseda Blvd.	Reseda, CA 91335
Liberty Pacific Advanced Imaging Tarzana and Breastlink Women's Imaging	18133 Ventura Blvd., Suite 100 and 200	Tarzana, CA 91356
Burbank Advanced Imaging Center	10101 Riverside Dr.	Toluca Lake, CA 91062
Santa Clarita Imaging	25775 W. McBean Pkwy, Ste. 100 and 216	Valencia, CA 91355
Vanowen Advanced Imaging	15243 Vanowen Street, Ste. 106	Van Nuys, CA 91405
Valley Hills Imaging	23101 Sherman Place, Suite 210	West Hills, CA 91307

5a.

Burbank, CA

Encino, CA

Glendale, CA

Panorama City, CA

Pasadena, CA

Reseda, CA

Tarzana, CA

Toluca Lake, CA

Valencia, CA

Van Nuys, CA

West Hills, CA

**SUBPOENA DUCES TECUM****UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**To Sophia Mendoza, 225 W. Broadway, Suite 155, Glendale, CA 91204As requested by RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center  
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of the National Labor Relations Boardat 11500 W. Olympic Blvd., Suite 600in the City of Los Angeleson January 29, 2018 at 9:00 am or any adjournedor rescheduled date to testify in RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology  
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**B-1-ZPB8Q1**

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

Issued at Los Angeles, CADated: January 17, 2018A handwritten signature in black ink, appearing to read "Marvin Kaplan".  
Marvin Kaplan, Chairman

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B-1-ZPB8Q1

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on the named person on

(Month, day, and year)

(Name of person making service)

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

RADNET MANAGEMENT, INC. D/B/A  
SAN FERNANDO VALLEY INTERVENTIONAL  
RADIOLOGY AND IMAGING CENTER

and

## Labor Organization

Case No. 31-RM-209388

By service of Subpoena *Duces Tecum* No. B-1-ZPB8Q1, RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (hereafter, "RadNet") hereby seeks production of all requested documents within your possession, custody or control without regard to who has physical possession of them or who prepared the documents, and wherever retained.

Documents produced should be grouped and in the order that they are maintained in the normal course, and should include all files and file labels in which the documents, and extra copies of them, are located.

For any document withheld on a claim of privilege and/or under the work-product doctrine or any other claimed immunity from production, identify the date, author, recipients, title, general nature and privilege and / or immunity claimed.

If additional documents are discovered that fall within the terms of this request, the additional items shall be produced immediately.

### **DEFINITIONS**

- 1.) "Documents," as used below, includes all material defined in Rule 34 of the Federal Rules of Civil Procedure, and are not limited to the specific examples listed, and further includes any written document of any nature whatsoever (*including but not limited to any emails or text messages*), any audio-tape, any video-tape, or any repository of any electronic data, such as computer hard drives or memory cards of portable communication devices.
- 2.) "Employee(s)," as used below, refers to the employees working out of any one or more of the facilities referenced by the Petition filed by the National Union of Healthcare Workers in Case No. 31-RC-208646. A copy of the Petition is attached hereto as "Exhibit A."
- 3.) "IAMAW," as used below, refers to the International Association of Machinists and Aerospace Workers, and / or any affiliated entity, including but not limited to the National Union of Healthcare Workers, together with

all current and former officers and employees thereof and any outside persons or entities retained to act on their behalf.

4.) The "Union," as used below, refers to the National Union of Healthcare Workers, and / or any affiliated entity, including but not limited to the International Association of Machinists and Aerospace Workers, together with all current and former officers and employees thereof and any outside persons or entities retained to act on their behalf.

5.) "You," as used below, refers to Ms. Sophia Mendoza.

#### **DOCUMENTS TO BE PRODUCED**

1.) Any and all documents, including but not limited to any e-mails or text messages, in which any Employee informs You that he or she, or some other Employee, is opposed to representation by the Union or prefers not to communicate with the Union about representation by the Union. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

2.) For the period October 1, 2017 to the present, any and all documents, including but not limited to phone records, that show, refer, evidence or relate to any communication by You or any Employee to the Los Angeles Police Department and / or any communication from the Los Angeles Police Department to You or any Employee.

- 3.) Any document sufficient to identify by full name, current work address and current home address any and all individuals who engaged in any activity in support of the Union's efforts to organize the Employees.
- 4.) Any and all documents, including but not limited to any e-mails or text messages, sent by You to any Employee in which You make any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.
- 5.) Any and all documents, including but not limited to any e-mails or text messages, sent by any Employee to You in which the Employee makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.
- 6.) Any and all documents, including but not limited to any e-mails or text messages, sent by You to the IAMAW, including but not limited to Mr. Ryan Carrillo, in which You make any reference to any police report that

may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

7.) Any and all documents, including but not limited to any e-mails or text messages, sent by the IAMAW, including but not limited to Mr. Ryan Carrillo, to You in which the IAMAW makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

## **EXHIBIT A**

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**RC PETITION**


DO NOT WRITE IN THIS SPACE	
Case No. <b>31-RC-208646</b>	Date Filed <b>10/26/2017</b>

**INSTRUCTIONS:** Unless e-Filed using the Agency's website, [www.nlrb.gov](http://www.nlrb.gov), submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

**1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer <b>RadNet Inc. and Radnet Management Inc., Joint Employers</b>		2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) <b>see attachment</b>	
3a. Employer Representative - Name and Title <b>Christopher Catalano</b>		3b. Address (if same as 2b - state same) <b>18133 Ventura Blvd, Suite 100, Tarzana, CA 91356</b>	
3c. Tel. No. <b>(818) 933-2020 ext 1261</b>	3d. Cell No. <b>(805) 750-1013</b>	3e. Fax No.	3f. E-Mail Address <b>chris.catalano@radnet.com</b>
4a. Type of Establishment (Factory, mine, wholesaler, etc.) <b>Healthcare facility</b>		4b. Principal product or service <b>Outpatient Imaging services</b>	
5a. City and State where unit is located <b>see attachment</b>		5b. No. of Employees in Unit: <b>115</b>	
5c. Description of Unit Involved <b>Included: All full-time, and regular part-time, per diem RN and Technical employees, employed by the employer at its facilities in the San Fernando Valley Region listed in 2b.</b> <b>Excluded: All other employees, managers, confidential employees, guards, physicians, service, office clericals and supervisors as defined by the Act.</b>		5d. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Check One: <input checked="" type="checkbox"/> 7a. Request for recognition as Bargaining Representative was made on (Date) <b>10/11/2017</b> and Employer declined recognition on or about <b>10/11/2017</b> (Date) (if no reply received, so state)			
<input type="checkbox"/> 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.			
8a. Name of Recognized or Certified Bargaining Agent (if none, so state). <b>none</b>		8b. Address	
8c. Tel. No.	8d. Cell No.	8e. Fax No.	8f. E-Mail Address
8g. Affiliation, if any		8h. Date of Recognition or Certification	
		8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)	
9. Is there now a strike or picketing at the Employer's establishment(s) involved? <b>no</b> if so, approximately how many employees are participating? _____ (Name of labor organization) _____ has picketed the Employer since (Month, Day, Year) _____			
10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (if none, so state) <b>none</b>			
10a. Name	10b. Address	10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address
11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election.			
11a. Election Date(s): <b>11/7/17-11/21/17</b>		11b. Election Time(s):	
11c. Election Location(s):		11d. Election Type: <input type="checkbox"/> Manual <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail	
12a. Full Name of Petitioner (including local name and number) <b>National Union of Healthcare Workers</b>		12b. Address (street and number, city, state, and ZIP code) <b>5801 Christie Ave. Suite 525, Emeryville, CA 94608</b>	
12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state) <b>none</b>			
12d. Tel. No. <b>(510) 834-2017</b>	12e. Cell No.	12f. Fax No.	12g. E-Mail Address
13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.			
13a. Name and Title <b>Sophia Mendoza, Organizer</b>		13b. Address (street and number, city, state, and ZIP code) <b>225 W. Broadway, Suite 155, Glendale, CA 91204</b>	
13c. Tel. No.	13d. Cell No. <b>(213) 280-0051</b>	13e. Fax No. <b>(818) 241-0141</b>	13f. E-Mail Address <b>smendoza@nuhw.org</b>

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) <b>Flornice Hoffman</b>	Signature 	Title <b>Attorney</b>	Date <b>10/24/17</b>
---	--	--------------------------	-------------------------

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

# Radnet SFV RC petition Attachments:

Center	Address	City
Burbank Imaging X-Ray	3808 Riverside Dr., Ste. 120	Burbank, CA 91505
Burbank Breast Care Center	2601 W. Alameda Ave., Ste. 101	Burbank, CA 91505
Imaging Specialists of Burbank	1821 W. Olive Ave.	Burbank, CA 91506
Liberty Pacific Advanced Imaging Encino	16130 Ventura Blvd.	Encino, CA 91436
San Fernando Valley Interventional Radiology and Imaging Center	16311 Ventura Boulevard, Ste. 120	Encino, CA 91436
Imaging Specialists of Glendale	700 N. Central Avenue, Suite 100	Glendale, CA 91203
Marcia Ray Breastlink Women's Imaging Center	222 W. Eulalia Street	Glendale, CA 91204
San Fernando Valley Advanced Imaging Center	14860 Roscoe Blvd., Ste. 101	Panorama City, CA 91402
Imaging Specialists of Pasadena	630 S. Raymond Ave. Suite 210	Pasadena, CA 91105
Northridge Diagnostic Center - Walk-In X-Ray	8327 Reseda Blvd.	Reseda, CA 91325
Northridge Diagnostic Center	8227 Reseda Blvd.	Reseda, CA 91335
Liberty Pacific Advanced Imaging Tarzana and Breastlink Women's Imaging	18133 Ventura Blvd., Suite 100 and 200	Tarzana, CA 91356
Burbank Advanced Imaging Center	10101 Riverside Dr.	Toluca Lake, CA 91062
Santa Clarita Imaging	25775 W. McBean Pkwy, Ste. 100 and 216	Valencia, CA 91355
Vanowen Advanced Imaging	15243 Vanowen Street, Ste. 106	Van Nuys, CA 91405
Valley Hills Imaging	23101 Sherman Place, Suite 210	West Hills, CA 91307

5a.

Burbank, CA

Encino, CA

Glendale, CA

Panorama City, CA

Pasadena, CA

Reseda, CA

Tarzana, CA

Toluca Lake, CA

Valencia, CA

Van Nuys, CA

West Hills, CA

**SUBPOENA DUCES TECUM****UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**To Custodian of Records, National Union of Healthcare Workers, 225 W. Broadway, Suite 155, Glendale, CA 91204As requested by RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Centerwhose address is 14860 Roscoe Blvd., Suite 101, Panorama City, CA 91402

(Street)

(City)

(State)

(ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE

a Hearing Officer

of the National Labor Relations Board

at 11500 W. Olympic Blvd., Suite 600in the City of Los Angeleson January 29, 2018at 9:00 am

or any adjourned

or rescheduled date to testify in RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (31-RM-209388) and RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (31-RM-209424)

(Case Name and Number)

And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence, and documents:

SEE ATTACHMENT

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R. Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

**B-1-ZPBF99**

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

Issued at Los Angeles, CADated: January 17, 2018

 A handwritten signature of Marvin Kaplan in dark ink.
 

Marvin Kaplan, Chairman

**NOTICE TO WITNESS.** Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is mandatory in that failure to supply the information may cause the NLRB to seek enforcement of the subpoena in federal court.

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- (Check method used.)
- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☐ by leaving copy at principal office or place of business at

on the named person on

(Month, day, and year)

(Name of person making service)

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

RADNET MANAGEMENT, INC. D/B/A  
SAN FERNANDO VALLEY ADVANCED  
IMAGING CENTER

and

## Labor Organization

Case No.  
31-RM-209424

By service of Subpoena *Duces Tecum* No. B-1-ZPBF9, RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (hereafter, "RadNet") hereby seeks production of all requested documents within your possession, custody or control without regard to who has physical possession of them or who prepared the documents, and wherever retained.

Documents produced should be grouped and in the order that they are maintained in the normal course, and should include all files and file labels in which the documents, and extra copies of them, are located.

For any document withheld on a claim of privilege and/or under the work-product doctrine or any other claimed immunity from production, identify the date, author, recipients, title, general nature and privilege and / or immunity claimed.

If additional documents are discovered that fall within the terms of this request, the additional items shall be produced immediately.

### **DEFINITIONS**

- 1.) "Documents," as used below, includes all material defined in Rule 34 of the Federal Rules of Civil Procedure, and are not limited to the specific examples listed, and further includes any written document of any nature whatsoever (*including but not limited to any emails or text messages*), any audio-tape, any video-tape, or any repository of any electronic data, such as computer hard drives or memory cards of portable communication devices.
- 2.) "Employee(s)," as used below, refers to the employees working out of any one or more of the facilities referenced by the Petition filed by the National Union of Healthcare Workers in Case No. 31-RC-208646. A copy of the Petition is attached hereto as "Exhibit A."
- 3.) "IAMAW," as used below, refers to the International Association of Machinists and Aerospace Workers, and / or any affiliated entity, including but not limited to the National Union of Healthcare Workers, together with all current and

former officers and employees thereof and any outside persons or entities retained to act on their behalf.

4.) The "Union," as used below, refers to the National Union of Healthcare Workers, and / or any affiliated entity, including but not limited to the International Association of Machinists and Aerospace Workers, together with all current and former officers and employees thereof and any outside persons or entities retained to act on their behalf.

#### **DOCUMENTS TO BE PRODUCED**

1.) Any and all documents, including but not limited to any e-mails or text messages, in which any Employee informs the Union that he or she, or some other Employee, is opposed to representation by the Union or prefers not to communicate with the Union about representation by the Union. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

2.) For the period October 1, 2017 to the present, any and all documents, including but not limited to phone records, that show, refer, evidence or relate to any communication by the Union or any Employee to the Los Angeles Police Department and / or any communication from the Los Angeles Police Department to the Union or any Employee.

3.) Any document sufficient to identify by full name, current work address and current home address any and all individuals who engaged in any activity in support of the Union's efforts to organize the Employees.

4.) Any and all documents, including but not limited to any e-mails or text messages, sent by the Union to any Employee in which the Union makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

5.) Any and all documents, including but not limited to any e-mails or text messages, sent by any Employee to the Union in which the Employee makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

6.) Any and all documents, including but not limited to any e-mails or text messages, sent by the Union to the IAMAW in which the Union makes any reference to any police report that may be filed or has been filed against any

Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

7.) Any and all documents, including but not limited to any e-mails or text messages, sent by the IAMAW to the Union in which the IAMAW makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

## **EXHIBIT A**

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**RC PETITION**

DO NOT WRITE IN THIS SPACE	
Case No. <b>31-RC-208646</b>	Date Filed <b>10/26/2017</b>

**INSTRUCTIONS:** Unless e-Filed using the Agency's website, [www.nlr.gov](http://www.nlr.gov), submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer <b>RadNet Inc. and Radnet Management Inc., Joint Employers</b>		2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) <b>see attachment</b>	
3a. Employer Representative - Name and Title <b>Christopher Catalano</b>		3b. Address (if same as 2b - state same) <b>18133 Ventura Blvd, Suite 100, Tarzana, CA 91356</b>	
3c. Tel. No. <b>(818) 933-2020 ext 1261</b>	3d. Cell No. <b>(805) 750-1013</b>	3e. Fax No.	3f. E-Mail Address <b>chris.catalano@radnet.com</b>
4a. Type of Establishment (Factory, mine, wholesaler, etc.) <b>Healthcare facility</b>		4b. Principal product or service <b>Outpatient Imaging services</b>	
5a. City and State where unit is located: <b>see attachment</b>		5b. No. of Employees in Unit: <b>115</b>	
5b. Description of Unit Involved <b>Included: All full-time, and regular part-time, per diem RN and Technical employees, employed by the employer at its facilities in the San Fernando Valley Region listed in 2b.</b> <b>Excluded: All other employees, managers, confidential employees, guards, physicians, service, office clericals and supervisors as defined by the Act.</b>		6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Check One: ☒ 7a. Request for recognition as Bargaining Representative was made on (Date) **10/11/2017** and Employer declined recognition on or about **10/11/2017** (Date). (If no reply received, so state).

☐ 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent (if none, so state). <b>none</b>		8b. Address	
8c. Tel. No.	8d. Cell No.	8e. Fax No.	8f. E-Mail Address
8g. Affiliation, if any		8h. Date of Recognition or Certification	
		8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)	

9. Is there now a strike or picketing at the Employer's establishment(s) involved? **no** if so, approximately how many employees are participating? \_\_\_\_\_  
(Name of labor organization) \_\_\_\_\_ has picketed the Employer since (Month, Day, Year) \_\_\_\_\_

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)  
**none**

10a. Name	10b. Address	10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address

11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election.

11a. Election Type: <input type="checkbox"/> Manual <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail	11b. Election Date(s): <b>11/7/17-11/21/17</b>	11c. Election Time(s):	11d. Election Location(s):
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12a. Full Name of Petitioner (including local name and number) <b>National Union of Healthcare Workers</b>	12b. Address (street and number, city, state, and ZIP code) <b>5801 Christie Ave, Suite 525, Emeryville, CA 94608</b>
---	--


12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)  
**none**

12d. Tel. No. <b>(510) 834-2017</b>	12e. Cell No.	12f. Fax No.	12g. E-Mail Address
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13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title <b>Sophia Mendoza, Organizer</b>		13b. Address (street and number, city, state, and ZIP code) <b>225 W. Broadway, Suite 155, Glendale, CA 91204</b>	
13c. Tel. No.	13d. Cell No. <b>(213) 280-0051</b>	13e. Fax No. <b>(818) 241-0141</b>	13f. E-Mail Address <b>smendoza@nuhw.org</b>

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) <b>Floris Hoffman</b>	Signature 	Title <b>Attorney</b>	Date <b>10/24/17</b>
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WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Radnet SFV RC petition Attachments:

Center	Address	City
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Burbank Breast Care Center	2601 W. Alameda Ave., Ste. 101	Burbank, CA 91505
Imaging Specialists of Burbank	1821 W. Olive Ave.	Burbank, CA 91506
Liberty Pacific Advanced Imaging Encino	16130 Ventura Blvd.	Encino, CA 91436
San Fernando Valley Interventional Radiology and Imaging Center	16311 Ventura Boulevard, Ste. 120	Encino, CA 91436
Imaging Specialists of Glendale	700 N. Central Avenue, Suite 100	Glendale, CA 91203
Marcia Ray Breastlink Women's Imaging Center	222 W. Eulalia Street	Glendale, CA 91204
San Fernando Valley Advanced Imaging Center	14860 Roscoe Blvd., Ste. 101	Panorama City, CA 91402
Imaging Specialists of Pasadena	630 S. Raymond Ave. Suite 210	Pasadena, CA 91105
Northridge Diagnostic Center – Walk-In X-Ray	8327 Reseda Blvd.	Reseda, CA 91325
Northridge Diagnostic Center	8227 Reseda Blvd.	Reseda, CA 91335
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Burbank Advanced Imaging Center	10101 Riverside Dr.	Toluca Lake, CA 91062
Santa Clarita Imaging	25775 W. McBean Pkwy, Ste. 100 and 216	Valencia, CA 91355
Vanowen Advanced Imaging	15243 Vanowen Street, Ste. 106	Van Nuys, CA 91405
Valley Hills Imaging	23101 Sherman Place, Suite 210	West Hills, CA 91307

5a.

Burbank, CA

Encino, CA

Glendale, CA

Panorama City, CA

Pasadena, CA

Reseda, CA

Tarzana, CA

Toluca Lake, CA

Valencia, CA

Van Nuys, CA

West Hills, CA

**SUBPOENA DUCES TECUM****UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**To Custodian of Records, National Union of Healthcare Workers, 225 W. Broadway, Suite 155, Glendale, CA 91204As requested by RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Centerwhose address is 16311 Ventura Blvd., Suite 120, Encino, CA 91436  
(Street) (City) (State) (ZIP)YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE a Hearing Officer  
of the National Labor Relations Boardat 11500 W. Olympic Blvd., Suite 600in the City of Los Angeleson January 29, 2018 at 9:00 am or any adjournedor rescheduled date to testify in RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (31-RM-209388) and RadNet Management, Inc. d/b/a San Fernando Valley Advanced Imaging Center (31-RM-209424)  
(Case Name and Number)

And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence, and documents:

SEE ATTACHMENT

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R. Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

**B-1-ZPB8FR**

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

Issued at Los Angeles, CADated: January 17, 2018

 A handwritten signature of Marvin Kaplan in dark ink.
 

Marvin Kaplan, Chairman

**NOTICE TO WITNESS.** Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is mandatory in that failure to supply the information may cause the NLRB to seek enforcement of the subpoena in federal court.

RETURN OF SERVICE

B-1-ZPB8FR

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- ☐ by person  
☐ by certified mail  
☐ by registered mail  
☐ by telegraph  
☐ by leaving copy at principal office or place of business at
- (Check method used.)

on the named person on

(Month, day, and year)

(Name of person making service)

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 31

---

RADNET MANAGEMENT, INC. D/B/A	:	Case No.
SAN FERNANDO VALLEY INTERVENTIONAL	:	
RADIOLOGY AND IMAGING CENTER	:	31-RM-209388
	:	
Petitioner	:	
	:	
<i>and</i>	:	
	:	
NATIONAL UNION OF HEALTHCARE WORKERS	:	
	:	
Labor Organization	:	

---

**ATTACHMENT TO SUBPOENA DUCES TECUM NO. B-1-ZPB8FR**

By service of Subpoena *Duces Tecum* No. B-1-ZPB8FR, RadNet Management, Inc. d/b/a San Fernando Valley Interventional Radiology and Imaging Center (hereafter, "RadNet") hereby seeks production of all requested documents within your possession, custody or control without regard to who has physical possession of them or who prepared the documents, and wherever retained.

Documents produced should be grouped and in the order that they are maintained in the normal course, and should include all files and file labels in which the documents, and extra copies of them, are located.

For any document withheld on a claim of privilege and/or under the work-product doctrine or any other claimed immunity from production, identify the date, author, recipients, title, general nature and privilege and / or immunity claimed.

If additional documents are discovered that fall within the terms of this request, the additional items shall be produced immediately.

### **DEFINITIONS**

- 1.) “Documents,” as used below, includes all material defined in Rule 34 of the Federal Rules of Civil Procedure, and are not limited to the specific examples listed, and further includes any written document of any nature whatsoever (*including but not limited to any emails or text messages*), any audio-tape, any video-tape, or any repository of any electronic data, such as computer hard drives or memory cards of portable communication devices.
- 2.) “Employee(s),” as used below, refers to the employees working out of any one or more of the facilities referenced by the Petition filed by the National Union of Healthcare Workers in Case No. 31-RC-208646. A copy of the Petition is attached hereto as “Exhibit A.”
- 3.) “IAMAW,” as used below, refers to the International Association of Machinists and Aerospace Workers, and / or any affiliated entity, including but not limited to the National Union of Healthcare Workers, together with

all current and former officers and employees thereof and any outside persons or entities retained to act on their behalf.

4.) The "Union," as used below, refers to the National Union of Healthcare Workers, and / or any affiliated entity, including but not limited to the International Association of Machinists and Aerospace Workers, together with all current and former officers and employees thereof and any outside persons or entities retained to act on their behalf.

### **DOCUMENTS TO BE PRODUCED**

1.) Any and all documents, including but not limited to any e-mails or text messages, in which any Employee informs the Union that he or she, or some other Employee, is opposed to representation by the Union or prefers not to communicate with the Union about representation by the Union.

RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

2.) For the period October 1, 2017 to the present, any and all documents, including but not limited to phone records, that show, refer, evidence or relate to any communication by the Union or any Employee to the Los Angeles Police Department and / or any communication from the Los Angeles Police Department to the Union or any Employee.

- 3.) Any document sufficient to identify by full name, current work address and current home address any and all individuals who engaged in any activity in support of the Union's efforts to organize the Employees.
- 4.) Any and all documents, including but not limited to any e-mails or text messages, sent by the Union to any Employee in which the Union makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.
- 5.) Any and all documents, including but not limited to any e-mails or text messages, sent by any Employee to the Union in which the Employee makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.
- 6.) Any and all documents, including but not limited to any e-mails or text messages, sent by the Union to the IAMAW in which the Union makes any reference to any police report that may be filed or has been filed against

any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

7.) Any and all documents, including but not limited to any e-mails or text messages, sent by the IAMAW to the Union in which the IAMAW makes any reference to any police report that may be filed or has been filed against any Employee, and / or any manager assigned to any facility operated by RadNet Management, Inc., and / or any facility operated by RadNet Management, Inc. RadNet requests that any responsive documents initially be produced only to the hearing officer for *in camera* review.

## **EXHIBIT A**

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**RC PETITION**

DO NOT WRITE IN THIS SPACE

Case No. **31-RC-208646** Date Filed **10/26/2017**

**INSTRUCTIONS:** Unless e-Filed using the Agency's website, [www.nlr.gov](http://www.nlr.gov), submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

**1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer <b>RadNet Inc. and Radnet Management Inc., Joint Employers</b>		2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) <b>see attachment</b>	
3a. Employer Representative - Name and Title <b>Christopher Catalano</b>		3b. Address (if same as 2b - state same) <b>18133 Ventura Blvd, Suite 100, Tarzana, CA 91356</b>	
3c. Tel. No. <b>(818) 933-2020 ext 1261</b>	3d. Cell No. <b>(805) 750-1013</b>	3e. Fax No.	3f. E-Mail Address <b>chris.catalano@radnet.com</b>
4a. Type of Establishment (Factory, mine, wholesaler, etc.) <b>Healthcare facility</b>		4b. Principal product or service <b>Outpatient Imaging services</b>	
5a. Description of Unit Involved <b>Included: All full-time, and regular part-time, per diem RN and Technical employees, employed by the employer at its facilities in the San Fernando Valley Region listed in 2b.</b> <b>Excluded: All other employees, managers, confidential employees, guards, physicians, service, office clericals and supervisors as defined by the Act.</b>		5b. City and State where unit is located: <b>see attachment</b>	
6a. No. of Employees in Unit <b>115</b>		6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Check One: ☒ 7a. Request for recognition as Bargaining Representative was made on (Date) **10/11/2017** and Employer declined recognition on or about **10/11/2017** (Date) (if no reply received, so state).  
☐ 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent (if none, so state). <b>none</b>		8b. Address	
8c. Tel. No.	8d. Cell No.	8e. Fax No.	8f. E-Mail Address
8g. Affiliation, if any		8h. Date of Recognition or Certification	
		8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)	

9. Is there now a strike or picketing at the Employer's establishment(s) involved? **no** If so, approximately how many employees are participating? \_\_\_\_\_  
 (Name of labor organization) \_\_\_\_\_ has picketed the Employer since (Month, Day, Year) \_\_\_\_\_

10. Organizations or individuals other than Petitioner and those named in items 6 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)  
**none**

10a. Name	10b. Address	10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address

11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election.

11a. Election Type: <input type="checkbox"/> Manual <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail	11b. Election Date(s): <b>March 2018 11/7/17-11/21/17</b>	11c. Election Time(s):	11d. Election Location(s):
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12a. Full Name of Petitioner (including local name and number) <b>National Union of Healthcare Workers</b>	12b. Address (street and number, city, state, and ZIP code) <b>5801 Christie Ave, Suite 525, Emeryville, CA 94608</b>
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12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)  
**none**

12d. Tel. No. <b>(510) 834-2017</b>	12e. Cell No.	12f. Fax No.	12g. E-Mail Address
--	---------------	--------------	---------------------

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title <b>Sophia Mendoza, Organizer</b>		13b. Address (street and number, city, state, and ZIP code) <b>225 W. Broadway, Suite 155, Glendale, CA 91204</b>	
13c. Tel. No.	13d. Cell No. <b>(213) 280-0051</b>	13e. Fax No. <b>(818) 241-0141</b>	13f. E-Mail Address <b>smendoza@nuhw.org</b>

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) <b>Florian Hoffman</b>	Signature 	Title <b>Attorney</b>	Date <b>10/24/17</b>
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WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

# Radnet SFV RC petition Attachments:

Center	Address	City
Burbank Imaging X-Ray	3808 Riverside Dr., Ste. 120	Burbank, CA 91505
Burbank Breast Care Center	2601 W. Alameda Ave., Ste. 101	Burbank, CA 91505
Imaging Specialists of Burbank	1821 W. Olive Ave.	Burbank, CA 91506
Liberty Pacific Advanced Imaging Encino	16130 Ventura Blvd.	Encino, CA 91436
San Fernando Valley Interventional Radiology and Imaging Center	16311 Ventura Boulevard, Ste. 120	Encino, CA 91436
Imaging Specialists of Glendale	700 N. Central Avenue, Suite 100	Glendale, CA 91203
Marcia Ray Breastlink Women's Imaging Center	222 W. Eulalia Street	Glendale, CA 91204
San Fernando Valley Advanced Imaging Center	14860 Roscoe Blvd., Ste. 101	Panorama City, CA 91402
Imaging Specialists of Pasadena	630 S. Raymond Ave. Suite 210	Pasadena, CA 91105
Northridge Diagnostic Center – Walk-In X-Ray	8327 Reseda Blvd.	Reseda, CA 91325
Northridge Diagnostic Center	8227 Reseda Blvd.	Reseda, CA 91335
Liberty Pacific Advanced Imaging Tarzana and Breastlink Women's Imaging	18133 Ventura Blvd., Suite 100 and 200	Tarzana, CA 91356
Burbank Advanced Imaging Center	10101 Riverside Dr.	Toluca Lake, CA 91062
Santa Clarita Imaging	25775 W. McBean Pkwy, Ste. 100 and 216	Valencia, CA 91355
Vanowen Advanced Imaging	15243 Vanowen Street, Ste. 106	Van Nuys, CA 91405
Valley Hills Imaging	23101 Sherman Place, Suite 210	West Hills, CA 91307

5a.

Burbank, CA

Encino, CA

Glendale, CA

Panorama City, CA

Pasadena, CA

Reseda, CA

Tarzana, CA

Toluca Lake, CA

Valencia, CA

Van Nuys, CA

West Hills, CA

A-1-ZPADXF

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- ☐ by person  
☐ by certified mail  
☐ by registered mail  
☐ by telegraph  
☒ by leaving copy at principal office or place of business at

225 W. Broadway  
Suite 155  
Gundale, CA 91204

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

Coverier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

A-1-ZPAIAN

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- (Check method used.)
- ☐ by person
- ☐ by certified mail
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- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

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on

(Month, day or days, and year)

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(Official title)

A-1-ZP9J8Z

## RETURN OF SERVICE

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☐ by person  
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☒ by leaving copy at principal office or place of business at

(Check method used.)

225 W. Broadway  
Suite 155  
Glendale, CA 91204

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

Cover

(Official title, if any)

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225 W. Broadway

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on the named person on

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Cover

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(Official title)

B-1-ZPB8FR

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- ☐ by person  
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☐ by telegraph  
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- (Check method used.)

225 W. Broadway  
Suite 155  
Glendale, CA 91204

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

Courtier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

B-1-ZPB8Q1

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- ☐ by person  
☐ by certified mail  
☐ by registered mail  
☐ by telegraph  
☒ by leaving copy at principal office or place of business at
- (Check method used.)

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

Courtier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- (Check method used.)
- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

225 W. Broadway  
Suite 155  
Glen Dale, CA 91204

on the named person on

January 24, 2018

(Month, day, and year)

(Name of person making service)

Covier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

B-1-ZPBD7F

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- ☐ by person  
☐ by certified mail  
☐ by registered mail  
☐ by telegraph  
☒ by leaving copy at principal office or place of business at

(Check method used.)  
225 W. Broadway  
Suite 155  
Cleveland, CA 91204

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

B-1-ZPBFVT

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- ☐ by person  
☐ by certified mail  
☐ by registered mail  
☐ by telegraph  
☒ by leaving copy at principal office or place of business at
- (Check method used.)

5402 Bolsa Ave.  
Huntington Beach, CA 92649

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

Carver

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

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- (Check method used.)

5402 Bolsa Ave.  
Huntington Beach, CA 92649

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

B-1-ZPBAKZ

RETURN OF SERVICE

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- ☐ by person  
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☒ by leaving copy at principal office or place of business at
- (Check method used,)

5402 Bolsa Ave.  
Huntington Beach, CA 92649

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

Covner

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

B-1-ZPBBC7

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- ☐ by person  
☐ by certified mail  
☐ by registered mail  
☐ by telegraph  
☒ by leaving copy at principal office or place of business  
(Check method used,)

5402 BOLSA AVE.  
HUNTINGTON BEACH, CA 92649

on the named person on

JANUARY 26, 2018

(Month, day, and year)

(Name of person making service)

COOPER

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

A-1-ZPAZL

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- ☐ by person  
☐ by certified mail  
☐ by registered mail  
☐ by telegraph  
☒ by leaving copy at principal office or place of business at

5402 BOLSA AVE.  
HUNTINGTON BEACH, CA 92649

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

adviser

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

RETURN OF SERVICE

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(Check method used.)

5402 BOLSA AVE.  
HUNTINGTON BEACH, CA 92649

on the named person on

JANUARY 26, 2018

(Month, day, and year)

(Name of person making service)

COVIEL

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

A-1-ZPAHDB

RETURN OF SERVICE

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☐ by telegraph  
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(Check method used.)  
5402 BOLSA AVE.  
Huntington Beach, CA 92649

on the named person on

January 20, 2018

(Month, day, and year)

(Name of person making service)

Carler

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

A-1-ZP9NBN

RETURN OF SERVICE

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- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business

5402 BOLSA AVE.  
HUNTINGTON BEACH, CA 92649

on the named person on

JANUARY 26, 2018

(Month, day, and year)

(Name of person making service)

COVIER

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

A-1-ZP9HUZ

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- ☒ by person  
☐ by certified mail  
☐ by registered mail  
☐ by telegraph  
☒ by leaving copy at principal office or place of business at
- (Check method used,)

200 N. Spring St, 19th Floor  
Los Angeles, CA 90012

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

Cover

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

A-1-ZPAOKH

RETURN OF SERVICE

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- ☒ by leaving copy at principal office or place of business at

200 N Spring St, 19th Floor  
Los Angeles, CA 90012

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

Council

(Official title, if any)

CERTIFICATION OF SERVICE

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- (Check method used.)

200 N. Spring St., 14th Floor  
Los Angeles, CA 90012

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

Courier

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

B-1-ZPBEKV

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

- (Check method used.)
- ☒ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☒ by leaving copy at principal office or place of business at

200 N. Spring St, 19th Floor  
Los Angeles, CA 90012

on the named person on

January 26, 2018

(Month, day, and year)

(Name of person making service)

Corrion

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)